



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
APRIL 9, 2024 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Mr. Koonce
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	D. Waddington, R. Brady, D. Murray, S. Poggiali, R. Koonce, J. Krabill, K. Vargo
APPROVAL OF MINUTES	March 25, 2024 Regular Meeting
PRESENTATION	
PUBLIC HEARING	
AUDIENCE PARTICIPATION	
COMMUNICATIONS	Motion to accept all communications submitted below.
CURRENT BUSINESS	

CONSENT AGENDA

ITEM A – Submitted by Cathy Myers, Commission Clerk

LIQUOR LICENSE FOR DOCKSIDE HOSPITALITY LLC

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

Notice to Legislative Authority for D5J Liquor License: 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. Community Entertainment District.

For: Dockside Hospitality LLC, dba Dockside Café, 611 W. Shoreline Drive N/End & Patio

ITEM B – Submitted by Debi Eversole, Housing Development Specialist

CONSENT FOR LAND BANK PURCHASE & SALE AGREEMENT FOR TWO PARCELS ON W. MARKET STREET

Budgetary Information: Any proceeds of the sale shall be dispersed in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The taxing districts will begin collecting real estate taxes on the land value, which will increase after the structure is built.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the City as part of the Land Reutilization Program identified as Parcel Nos. 59-00185.000 and 59-00186.000, located on West Market Street, are no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM C – Submitted by Aaron Klein, Public Works Director

APPROVAL OF EASEMENTS FOR SANDUSKY BAY PATHWAY WITH US TSUBAKI

Budgetary Information: Local management at US Tsubaki Power Transmission, as well as corporate UST, Inc. in Illinois and Japan, have been very supportive of the pathway and have agreed to donate the necessary easements at no cost to the City of Sandusky. The combined value of the temporary and permanent easements is \$18,160.00 based on an appraisal signed on January 8, 2024.

ORDINANCE NO. _____: It is requested an ordinance be passed approving an easement agreement granting a permanent and temporary easement to the City by U.S. Tsubaki Power Transmission, LLC for the Sandusky Bay Pathway; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM D – Submitted by Aaron Klein, Public Works Director

APPROVAL OF EASEMENTS FOR SANDUSKY BAY PATHWAY WITH WEST SIDE SPORTS CENTER

Budgetary Information: The cost of the temporary easement is \$835.80, and the total cost of the permanent easement is \$1,715.00 for a total acquisition price of \$2,550.80 that will be paid from Capital Projects Funds. Payment will be made to Philip G. Meyers dba West Side Sports Center LLC.

ORDINANCE NO. _____: It is requested an ordinance be passed approving a permanent easement and temporary easement granted to the City by West Side Sports Center LLC for the Sandusky Bay Pathway; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM E – Submitted by Josh Snyder, Public Works Engineer

AMENDING RESOLUTION 009-24R, ACCEPTING BIDS FOR THE 2024 LOCAL STREET RESURFACING PROJECT

Budgetary Information: There is no budgetary impact.

RESOLUTION NO. _____: It is requested a resolution be passed amending Resolution No. 009-24R, passed on February 26, 2024, to correct a scrivener’s error; declaring the necessity for the City to proceed with the proposed 2024 Local Street Resurfacing Project; approving the specifications and engineer's estimate of cost thereof; directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with section 14 of the city charter.

ITEM F – Submitted by Josh Snyder, Public Works Engineer

APPROVAL OF C/O #1 & FINAL FOR 2022 BIWW PROJECT WITH ALL PHASE

Budgetary Information: The original contract amount was \$271,920.00, and with the deduction of Change Order 1 in the amount of \$50,000, the final cost is \$221,920.00. This is a savings of \$50,000 (18%) that will remain in the Water Fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by All Phase Power and Lighting, Inc. of Sandusky, Ohio, for the 2022 Big Island Water Works (BIWW) Plant Variable Frequency Drives Replacement Project; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM G – Submitted by Megan Stookey, Project Manager

APPROVAL OF SUBMERGED LAND LEASE FOR 427 CEDAR POINT ROAD

Budgetary Information: There is no budgetary impact.

RESOLUTION NO. _____: It is requested a resolution be adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by John & Terri Welkener for property located at 427 Cedar Point Road, the use and development of the territory so described, a submerged lands lease may be entered into by the State's Director of Natural Resources; and declaring that this resolution shall take immediate effect in accordance with section 14 of the city charter.

REGULAR AGENDA

ITEM 1 – Submitted by Aaron Klein, Public Works Director

PERMISSION TO RE-BID THE SANDUSKY WHEELS PARK PROJECT

Budgetary Information: The engineer's estimate for the project is \$887,768.00 and shall be paid for with American Rescue Plan Act (ARPA) funds. These funds must be encumbered by the end of 2024 and spent by the end of 2026.

RESOLUTION NO. _____: It is requested a resolution be passed repealing Resolution No. 008-24R and declaring the necessity for the City to proceed with the proposed Sandusky Wheels Park Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this resolution shall take immediate effect in accordance with section 14 of the city charter.

ITEM 2 – Submitted by Aaron Klein, Public Works Director

APPROVAL OF CHANGE ORDER #2 TO SANDUSKY JUSTICE CENTER PROJECT TO MOSSER

Budgetary Information: The original contract plus Change Order 1 established the current contract amount of \$11,107,530.70. Change Order 2 would be an overall increase of \$278,143.43, increasing the contract total to \$11,385,674.13. Staff still anticipates issuing debt for this project with debt service payments being paid from Capital Projects and General Bond Retirement funds. Sandusky Municipal Court will be responsible for 40% and SPD for 60% of total project costs. Alternative financing options will be discussed by the Finance Committee on April 19.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the second change order for work to be performed by Mosser Construction, Inc. of Fremont, Ohio, for the Sandusky Justice Center Project in the amount of \$278,143.43; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM 3 – Submitted by Aaron Klein, Public Works Director

APPROVAL OF WETLANDS MITIGATION PURCHASE AGREEMENT

Budgetary Information: The cost is \$68,000 per acre for a total cost of \$95,200 that would be paid from the Capital Projects Fund with proceeds made available from the parking and admissions tax increases. No down payment is required at this location, but full payment will be required upon receipt of permits from USACE and OEPA for Section 404 and 401 permits.

ORDINANCE NO. _____: It is requested an ordinance be passed repealing Ordinance No. 23-170, passed on August 28, 2023, and Ordinance No. 24-007, passed on January 8, 2024; authorizing and directing the City Manager to enter into an agreement for wetlands mitigation credits with Streams + Wetlands Foundation for The Landing 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, Public Works Director

APPROVAL TO AWARD THE CP CAUSEWAY WETLANDS 2024 TEMPORARY SEEDING PLAN TO LEACH

Budgetary Information: The contract shall not exceed forty-eight thousand, two hundred and eight dollars (\$48,208.00), which shall be paid with grant funds approved in an agreement with the State of Ohio (DNRSHLE07) via Ordinance 21-092. No City funding will be incorporated into this project.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Leach Excavating of Olmsted Township, Ohio, for the Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan Project; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM 5 – Submitted by Josh Snyder, Public Works Engineer

APPROVAL TO AWARD CONTRACT FOR 2024 LOCAL STREET RESURFACING PROJECT TO ERIE BLACKTOP

Budgetary Information: The total contract price shall not exceed \$1,192,076.91 and shall be split with \$1,167,714.28 American Rescue Plan Act (ARPA) Stimulus Funds and \$24,362.63 Capital Projects Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Erie Blacktop, Inc., of Sandusky, Ohio, for the 2024 Local Street Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM 6 – Submitted by Megan Stookey, Project Manager

APPROVAL TO AWARD CONTRACT A FOR 2024 SIDEWALK REPAIR TO KREIMES

Budgetary Information: The total contract price shall not exceed \$117,545.85 which shall be paid for with \$94,687.85 Capital Projects Funds (Issue 8 Infrastructure), and \$22,858.00 from the Fire Department’s operating budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with the Kreimes Co. Inc., of Sandusky, Ohio, for the 2024 Sidewalk Repair, Replacement & Grinding Project - Contract A; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM 7 – Submitted by Megan Stookey, Project Manager

APPROVAL TO AWARD CONTRACT FOR SERVICE CENTER PROJECT TO GUNDLACH

Budgetary Information: The construction cost shall not exceed \$123,100.00, which shall be paid with American Structure Plan Act (ARPA) Stimulus Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, for the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center Project; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

ITEM 8 – Submitted by Arin Blair, Chief Planner

APPROVAL OF AGREEMENT FOR PUBLIC PARKING WITH BUCKEYE COMMUNITY TWENTY TWO

Budgetary Information: There is no financial obligation from the city to execute the lease agreement.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a parking lot lease agreement with Buckeye Community Twenty Two, LP, for the use of parking spaces at 202 West Market Street during the construction of the Columbus Avenue Reconstruction and Streetscape Project; and declaring that this ordinance shall take immediate effect in accordance with section 14 of the city charter.

CITY MANAGER’S REPORT

OLD BUSINESS

NEW BUSINESS

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

EXECUTIVE SESSION(S)

ADJOURNMENT

Online: www.CityofSandusky.com/Live – Click “Play” 

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

2223482		STCK		DOCKSIDE HOSPITALITY LLC DBA DOCKSIDE CAFE 611 W SHORELINE DR N/END & PATIO SANDUSKY OH 44870
PERMIT NUMBER		TYPE		
ISSUE DATE				
01 16 2024				
FILING DATE				
D5J				
PERMIT CLASSES				
22	077	B	F30923	
TAX DISTRICT		RECEIPT NO.		

FROM 02/29/2024

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



MAILED 02/29/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/01/2024

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 STCK 2223482**

(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

Office Hours
8:00 a.m. - 5:00 p.m.
For Questions call
(614) 644-3156

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005

<http://www.com.ohio.gov/liqr>

APPLICATION FOR CHANGE OF LLC MEMBERSHIP INTERESTS
PROCESSING FEE \$100.00

CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

1chk
#2998
\$100



PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING:

Permit Holder Name: Dockside Hospitality LLC	Permit Premises Address: 611 W. Shoreline Drive Sandusky OH 44870
Liquor Permit Number(s): 2223482	Federal Tax ID Number: [REDACTED]
Email Address: crawfordandrea74@gmail.com	

Attorney's Name, Address and Telephone Number (If represented):
[REDACTED]

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

PLEASE COMPLETE ALL AREAS OF SECTION A & B BELOW

Section A - PREVIOUS List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Cesare Avallone	[REDACTED]	CFO	<input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest <u>50</u> %	[REDACTED]
2) Andrea Crawford	[REDACTED]	CEO	<input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest <u>50</u> %	[REDACTED]
3)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	

Section B - REVISED List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) Andrea Crawford	[REDACTED]	CEO	<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input checked="" type="checkbox"/> Membership interest <u>100</u> %	[REDACTED]
2)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	
3)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	

Cathy Myers

From: Jared Oliver
Sent: Monday, April 1, 2024 1:25 PM
To: Cathy Myers; Mario D'Amico; Colleen Gilson
Subject: RE: Liquor License #2223482 Dockside Hospitality LLC

SPD has no comments or concerns with this application.



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.cityofsandusky.com



From: Cathy Myers <CommissionClerk@cityofsandusky.com>
Sent: Monday, April 1, 2024 1:20 PM
To: Jared Oliver <joliver@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>
Subject: Liquor License #2223482 Dockside Hospitality LLC

Please provide comments for this Liquor Permit D5J for the upcoming Commission Meeting.

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. Community Entertainment District.

For: Dockside Hospitality LLC, DBA Dockside Café, 611 W. Shoreline Drive N/End & Patio



Cathy Myers, Commission Clerk
City Hall
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850 | F: 419.627.5555
www.cityofsandusky.com



Cathy Myers

From: Mario D'Amico
Sent: Monday, April 1, 2024 1:32 PM
To: Cathy Myers; Jared Oliver; Colleen Gilson
Subject: Re: Liquor License #2223482 Dockside Hospitality LLC

SFD has no comments or issues with the Liquor permit for Dockside



Mario D'Amico | *Fire Chief*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5822 | F: 419.627.5820
mdamico@cityofsandusky.com

From: Cathy Myers <CommissionClerk@cityofsandusky.com>
Sent: Monday, April 1, 2024 1:25 PM
To: Jared Oliver <joliver@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>
Subject: RE: Liquor License #2223482 Dockside Hospitality LLC

Thank you!



Cathy Myers, Commission Clerk
City Hall
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850 | F: 419.627.5555
www.cityofsandusky.com



From: Jared Oliver <joliver@cityofsandusky.com>
Sent: Monday, April 1, 2024 1:25 PM
To: Cathy Myers <CommissionClerk@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>
Subject: RE: Liquor License #2223482 Dockside Hospitality LLC

SPD has no comments or concerns with this application.

Cathy Myers

From: Colleen Gilson
Sent: Monday, April 1, 2024 2:51 PM
To: Jared Oliver; Cathy Myers; Mario D'Amico
Subject: Re: Liquor License #2223482 Dockside Hospitality LLC

No issues from Community Development.

Colleen

From: Jared Oliver <joliver@cityofsandusky.com>
Sent: Monday, April 1, 2024 1:25:18 PM
To: Cathy Myers <CommissionClerk@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>
Subject: RE: Liquor License #2223482 Dockside Hospitality LLC

SPD has no comments or concerns with this application.



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.cityofsandusky.com



From: Cathy Myers <CommissionClerk@cityofsandusky.com>
Sent: Monday, April 1, 2024 1:20 PM
To: Jared Oliver <joliver@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>
Subject: Liquor License #2223482 Dockside Hospitality LLC

Please provide comments for this Liquor Permit D5J for the upcoming Commission Meeting.

Spirituos 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. Community Entertainment District.

For: Dockside Hospitality LLC, DBA Dockside Café, 611 W. Shoreline Drive N/End & Patio



Department of Community Development

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.cityofsandusky.com

TO: John Orzech, City Manager

FROM: Debi Eversole, Housing Development Specialist

DATE: March 26, 2024

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for two (2) parcels of land currently in the City of Sandusky's Land Reutilization Program, that are no longer needed for any municipal purpose. The property is in the 1100 block of West Market Street and further identified by the Erie County Auditor as Permanent Parcel No. 59-00185.000 and Permanent Parcel No. 59-00186.000.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Commission approved acquisition of Parcel No. 059-00185.000 on October 11, 2016, pursuant to Resolution 059-16R and Parcel No. 059-00186.000 on July 9, 2018, pursuant to Resolution No. 026-18R and both parcels were acquired on August 29, 2018. Rebecca Skrinak and Daniel Martinez have requested acquisition of this vacant nonproductive land, and the Land Bank Committee approved this sale at their March 18, 2024 meeting.

A fire condemned structure was demolished at this site, leaving both parcels vacant and non-productive. Each parcel individually would not be recommended for new construction, however, combining the parcels will create an approximate 60' x 132' buildable lot. Approximately 33' of the property is only 66' deep.

The applicants have submitted a building plan that would conform to the zoning requirements of the RRB "Residential Roadside Business" zoning code. The plan is to construct a 46' x 36' single family residential structure that will be owner occupied. The home will be two-stories with three (3) bedrooms and two (2) baths and a two (2) car garage.

The recommended sale price of the parcels is one thousand seven hundred dollars (\$1,700.00) plus any closing costs, which is considered fair market value as determined by the land bank committee in accordance with the provisions of Chapter 5722 of the Ohio Revised Code and the City of Sandusky's Land Reutilization Program Policy and Procedures. The sale of these parcels will protect and enhance surrounding property values. Additionally, this vacant non-productive parcel will be put back into tax producing status and the city will be relieved of the expense of maintaining the property.

BUDGET IMPACT: Any proceeds of the sale shall be dispersed in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The taxing districts will begin collecting real estate taxes on the land value, which will increase after the structure is built.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase and sale agreement with Rebecca Skrinak and Daniel Martinez to sell the property no longer needed for any municipal purpose located on W. Market Street, and further identified by the Erie County Auditor as Permanent Parcel No. 59-00185.000 and Permanent Parcel No. 59-00186.000 for a purchase price of one thousand seven hundred dollars (\$1,700.00). It is usual and customary to complete the closing of a real estate sale within thirty (30) days, therefore it is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Debi Eversole,
Housing Development Specialist

I concur with this recommendation:

Colleen Gilson,
Community Development Manager

John Orzech,
City Manager

cc: Stewart Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, Clerk of City Commission

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NOS. 59-00185.000 AND 59-00186.000, LOCATED ON WEST MARKET STREET, ARE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

WHEREAS, the City Commission authorized the acquisition of the property by Resolution No. 059-16R, passed on October 11, 2016, for Parcel No. 59-00185.000 and Resolution No. 026-18R, passed on July 9, 2018, for Parcel No. 59-00186.000, under said Land Reutilization Program, which property is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"), which property is no longer needed for any municipal purposes; and

WHEREAS, Rebecca Skrinak and Daniel Martinez have requested to acquire these vacant nonproductive lots to construct a two-story, single-family home with three (3) bedrooms, two (2) bathrooms, and a two-car garage for the purpose of owner occupancy; and

WHEREAS, the Land Bank Committee met on March 18, 2024, and approved the acquisition and sale of this property to Rebecca Skrinak and Daniel Martinez at the purchase price of \$1,700.00, plus closing costs and is not less than fair market value in accordance with the provisions of Chapter 5722 of the Ohio Revised Code and the City's Land Reutilization Policies and Procedures; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to promptly execute the closing within (30) days as usual and customary in the sale of real estate; and

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

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

Section 1. This City Commission finds, determines and declares that the Property, Parcel Nos. 59-00185.000 and 59-00186.000, located in the 1100 block of

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

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

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

Section 4. That for the reasons set forth in the preamble hereto, this

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ____ day of _____ 2024, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 240 Columbus Ave, Sandusky, Ohio hereinafter referred to as the "Seller" and Rebecca Skrinak and Daniel Martinez, 9656 Riverview Drive, Huron, Ohio 44839 hereinafter referred to as the "Purchasers".

WITNESSETH:

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

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, two unimproved parcels of real property located on W. Market Street, Sandusky, Ohio, and further identified by the Erie County Auditor as Permanent Parcel No. 59-00185.000 and Permanent Parcel No. 59-00186.000, and more fully described in the legal description marked Exhibit "A" and attached hereto.
2. The total purchase price for the real property located on W. Market Street, Sandusky, Ohio, shall be one thousand seven hundred dollars (\$1,700.00), which is not less than the fair market value as determined by the Land Bank Committee.
3. Seller shall furnish to Purchaser a quit claim deed conveying to Purchaser all of the Seller's interest in the Property. The Property shall be free and clear of the liens, taxes, assessments, penalties and interest prior to the date of closing. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.
4. Purchaser shall construct one (1) single-family residential dwelling on the Property in accordance with the plans attached hereto and incorporated herein as Exhibit "B", which shall be owner occupied. Completion of construction shall occur within twelve (12) months from the date Purchaser acquires title. If the Purchaser fails to complete construction within twelve (12) months from the date Purchaser acquires title, the title to the Property together with all improvements made or erected shall automatically be forfeited and revert to and vest in the City of Sandusky. The City shall have the right to re-enter and take possession of the property. An extension of twelve (12) additional months may be granted by the Land Bank Committee upon written request from the Purchaser prior to the original twelve (12) month deadline.
5. The closing date of this transaction shall be no later than May 31, 2024 or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be Hartung Title Agency, 327 E. Washington Street, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before the closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by the Seller and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

6. The Seller and the Purchaser represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.
7. On the closing date, the escrow agent shall file for record the deeds, and other instruments, if any, required to be recorded pursuant to this Agreement and thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.
8. The expenses of closing shall be paid in the following manner:
 - a) The cost of securing a title insurance commitment and policy of insurance shall be paid by Purchaser.
 - b) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Purchaser in the manner described in this Agreement shall be paid by Seller.
 - c) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.
 - d) The cost of transfer and recording of the deed shall be paid by Purchaser.
 - e) Any tax imposed on the conveyance of title to the property to Purchaser shall be paid by Purchaser.
 - f) Any fee charged by the escrow agent shall be equally shared between the Seller and the Purchaser.
9. Purchaser shall be entitled to possession of the Property upon the closing of this transaction.
10. The Purchaser has examined the Property, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Agreement and that there have been no representations by the Seller as to the condition of this property.
11. In the event that the Purchaser breaches this Agreement by not closing this transaction on or before May 31, 2024, earnest money deposited, if any, shall be immediately paid to the Seller, which payment may be treated as liquidated damages (the precise amount of damages being difficult or impossible to ascertain).
12. This Agreement sets forth the entire understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.
13. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instruments.
14. This Agreement shall be binding upon and inure to the benefit of Seller and Purchaser and their respective heirs, legal representative, and assigns.

SIGNATURE PAGES TO FOLLOW

PURCHASERS:

Rebecca Skrinak

Daniel Martinez

STATE OF OHIO)
) ss:
ERIE COUNTY)

On this _____ day of _____, 2024, before me, a Notary Public in and for said County and State, personally appeared Rebecca Skrinak and Daniel Martinez and acknowledged their execution of the foregoing instrument and that the same is their voluntary act and deed.

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

NOTARY PUBLIC

Approved as to Form:

Stewart Hastings (#0025852)
Law Director
City of Sandusky

EXHIBIT A

PARCELNO.1:

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

Being the East one-sixth (1/6) of Lot Number Five (5) on Shelby Street.

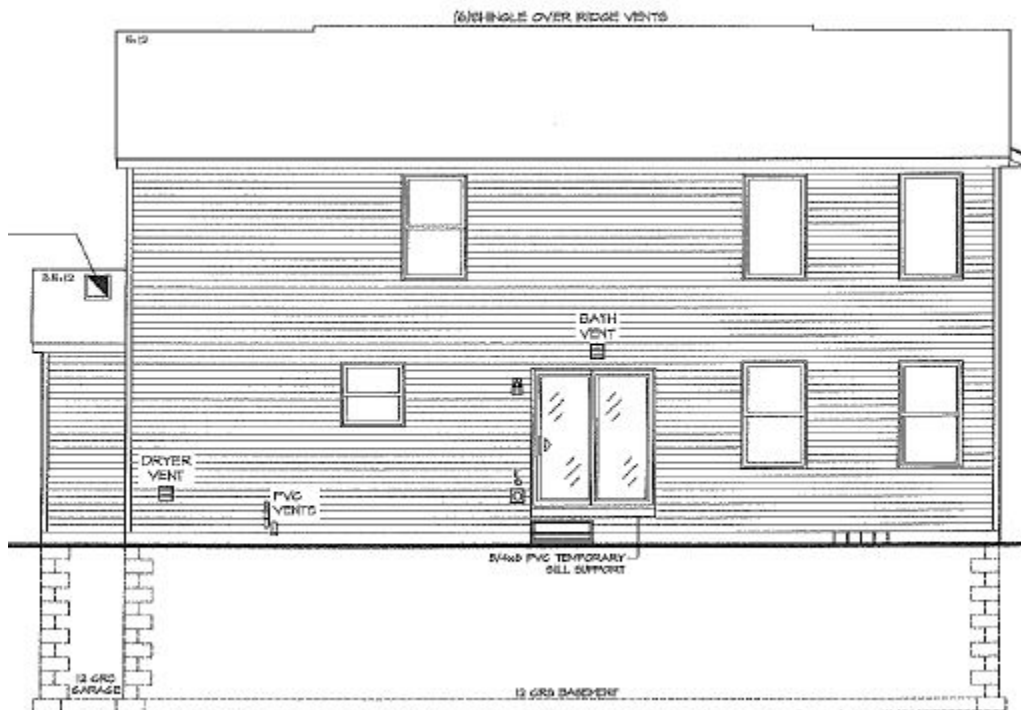
PARCELNO.2:

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

Being the Easterly 27.35 feet of the Westerly 66 feet of the East 99 feet of Lot Nos. 5 & 6 on Shelby Street.

Property Address: Market, Sandusky, Ohio 44870
Tax ID No.: 59-00185.000 & 59-00186.000
Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

EXHIBIT B





DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron Klein, Director

Date: March 26, 2024

Subject: Commission Agenda Item – Easements with US Tsubaki Power Transmission LLC for Sandusky Bay Pathway

Items for Consideration: Legislation authorizing the City Manager to enter into one Easement Agreement including one (1) Temporary Easement and one (1) Permanent Easement with US Tsubaki Power Transmission LLC for construction of portions of the Sandusky Bay Pathway.

Background Information: Per ordinance 19-115, the City contracted with Environmental Design Group (EDG) to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of Sandusky Bay Pathway project. After preferred alignment alternatives were approved, EDG and their subconsultant OR Colan & Associates (ORC) have worked with landowners on acquisition services.

The property outlined in yellow below is owned by US Tsubaki Power Transmission LLC. See the exhibit attached to the Ordinance for an exact layout of the pathway on this parcel (PPN 60-00166.000). The one permanent easement totals 0.111 acres and the temporary easement totals 0.295 acres. Total acquisition is approximately 0.406 acres.



Budgetary Information: Local management at US Tsubaki Power Transmission, as well as corporate UST, Inc. in Illinois and Japan, have been very supportive of the pathway and have agreed to donate the necessary easements at no cost to the City of Sandusky. The combined value of the temporary and permanent easements is \$18,160.00 based on an appraisal signed on January 8, 2024.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into an Easement Agreement with US Tsubaki Power Transmission LLC and that legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter to allow the consultant to proceed with finalizing construction plans for the next phase of the Sandusky Bay Pathway.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; S. Hastings, Law Director; M. Reeder, Finance Director

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN EASEMENT AGREEMENT GRANTING A PERMANENT AND TEMPORARY EASEMENT TO THE CITY BY U.S. TSUBAKI POWER TRANSMISSION, LLC FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Bay Pathway is a coastal trail that stretches along the waterfront from the east corporation limit to the west corporation limit with several other on-street and off-street trails networking City roads and the City-wide park system; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into an agreement for professional design services with Environmental Design Group, LLC, of Akron, Ohio, to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of the Sandusky Bay Pathway, by Ordinance No. 19-115, passed on June 24, 2019; and

WHEREAS, U.S. Tsubaki Power Transmission, LLC is the owner of property located at 1010 Edgewater Avenue, Parcel No. 60-00166.000, and is granting the City a permanent and temporary easement necessary for the continuation of the Sandusky Bay Pathway; and

WHEREAS, the value of the easements based on an appraisal dated January 8, 2024, is \$18,160.00 and U.S. Tsubaki Power Transmission, LLC, who has been very supportive of the Pathway, has agreed to donate the easements to the City at no cost; 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 allow the consultant to proceed with finalizing construction plans for the next phase of the Sandusky Bay Pathway; 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 an Easement Agreement granting a Permanent and Temporary Easement to the City by U.S. Tsubaki Power Transmission, LLC for the purpose of utilizing for the Sandusky Bay Pathway, a copy of which is attached and marked Exhibit "1" and is 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 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

Easement Agreement

This Easement Agreement (the "Agreement") is made and entered into this _____ day of _____, 2024, between the City of Sandusky (the "Grantee") whose mailing address is 240 Columbus Avenue, Sandusky, Ohio 44870, and US Tsubaki Power Transmission, LLC, (the "Grantor") whose local mailing address is 1010 Edgewater Drive, Sandusky, Ohio 44870.

WHEREAS, the Grantor is the owner of the property with the parcel number 60-00166.000 which is more particularly described in Exhibit "A"; and

WHEREAS, the Grantee desires the easements contained herein in order to complete the Sandusky Bay Pathway;

THEREFORE, in consideration of the promises and mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor's Grant of Easements.

- a. Grantor grants and conveys to the Grantee a perpetual and exclusive permanent easement for the Sandusky Bay Pathway, which is more particularly described in the easement and legal description attached hereto as Exhibit "B". The Grantee may do and perform all acts necessary to fulfill its obligations in accordance with this easement.
- b. Grantor grants and conveys to the Grantee a temporary easement to access, occupy, and construct the Sandusky Bay Pathway, which is more particularly described in the easement and legal description attached hereto as Exhibit "C". The temporary easement shall last for 18 months immediately following the date on which the construction is first commenced by the Grantee. The Grantee may do and perform all acts necessary to fulfill its obligations in accordance with this easement.

2. Grantee's Obligations.

- a. Grantee shall ensure that the Sandusky Bay Pathway is maintained, which includes landscaping and mowing.

3. Representation and Warranties.

- a. Grantor represents and warrants to Grantee that: (a) it has the full right, power, title, and interest to make the grant of easements to Grantee; (b) such grant of easements and any rights granted under this Agreement may be fully and thoroughly enjoyed and utilized by Grantee pursuant to the terms herein; and (c)

Grantee's easements rights shall not be defeased, impaired, and adversely affected by superior title.

4. Notices.

- a. Any notices required to be given to the Grantor or Grantee shall be given by certified mail, return receipt requested, or by a national delivery service which obtains a receipt for delivery, at the addresses set forth in the first paragraph of this Agreement, or to such other address as a party may designate from time to time by giving notice to the other party.

5. Successors and Assigns.

- a. The terms and conditions of this Agreement shall bind and inure to the benefit of the Grantor and Grantee and their respective heirs, executors, administrators, successors and assigns, subject to any and all matters of record which affect title to the easement area.

6. Covenant Running With the Land.

- a. The terms and conditions of these easements shall constitute a covenant running with the land and shall be binding upon and all inure to the benefit of the Grantor and Grantee and their respective heirs, executors, administrators, successors and assigns, subject to any and all matters of record which affect title to the easement area.

SIGNATURE PAGE TO FOLLOW

WHEREFORE, the parties have set their hands as of the date first above written.

GRANTOR:
U.S. Tsubaki Power Transmission, LLC.

By: _____
Name: Tom Koutsourelis
Title: Financial Controller

GRANTEE:
City of Sandusky

By: _____
Name: John Orzech
Title: City Manager

Approved as to Form:

Stewart Hastings (#0025852)
Law Director
City of Sandusky

EASEMENT

US Tsubaki Power Transmission LLC, an Illinois corporation, the Grantor(s), for valuable consideration received to its full satisfaction, does grant to the City of Sandusky, an Ohio municipal corporation, the Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): 60-00166.000-PE

City of Sandusky – Sandusky Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 60-00166.000

Prior Instrument Reference: File 360718, Page 12, Erie County Recorder's Office.

Grantor(s), for itself and its successors and assigns, covenant(s) with the Grantee, its successors and assigns, that it is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction and maintenance of a public pathway.

In Witness Whereof US Tsubaki Power Transmission LLC, an Illinois corporation an Illinois corporation has caused its name to be subscribed by _____, its _____, and its duly authorized agent on the ____ day of _____, 2024.

US Tsubaki Power Transmission LLC., an Illinois corporation

By: _____

Title: _____

State of Ohio, County Of Erie ss:

Be It Remembered, that on the ____ day of _____, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ and duly authorized agent of US Tsubaki Power Transmission LLC, an Illinois corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

No oath or affirmation was administered to _____, its _____, and duly authorized agent of US Tsubaki Power Transmission LLC, an Illinois corporation, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

My Commission expires: _____

This document was prepared by O.R. Colan Associates on behalf of the City of Sandusky on forms approved by the Ohio Attorney General's Office.

CITY OF SANDUSKY
PPN 60-00166.000 PERMANENT EASEMENT

Situated in the State of Ohio, County of Erie, and the City of Sandusky, being part of Original Lot 32 in the Annexation to Margarett Township and is part of land now or formerly owned by US Tsubaki Power Transmission LLC, an Illinois corporation by deed in book 530, page 378 of the Erie County Records and being more fully described as follows:

Commencing at the intersection of the northeasterly corner of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the westerly right of way line of Edgewater Avenue;

1. Thence S 01° 39' 49" E along the easterly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the westerly right of way line of said Edgewater Avenue a distance of 404.02 feet to the southeasterly corner of said parcel;
2. Thence N 82° 18' 20" W along the southerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel a distance of 12.16 feet to a point;
3. Thence N 01° 39' 13" W a distance of 202.93 feet to a point;
4. Thence N 03° 25' 12" W a distance of 72.73 feet to a point;
5. Thence N 01° 33' 20" W a distance of 72.55 feet to a point;
6. Thence N 11° 34' 33" E a distance of 55.34 feet to a point on the northerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the southerly line of parcel number 60-00216.000000 now or formerly owned by Allen L. Ott by deed RN 200402659 of the Erie County Records
7. Thence N 88° 20' 11" E along the northerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the southerly line of said Allen L. Ott parcel a distance of 1.38 feet to the Place of Beginning, and containing 0.111 acres of land more or less.

This easement description and basis of bearing are based on a survey as provided by Contractors Design Engineering, LTD. to Environmental Design Group.

The above described easement lies within Erie County Auditor Parcel Number 60-00166.000

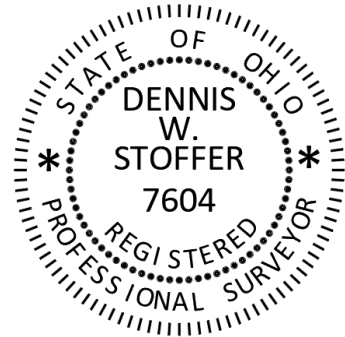


March 19, 2024

CITY OF SANDUSKY
PPN 60-00166.000 PERMANENT EASEMENT

Dennis W. Stoffer

Dennis W. Stoffer, P.S. 7604



TEMPORARY EASEMENT

US Tsubaki Power Transmission LLC, an Illinois corporation, the Grantor(s), for valuable consideration received to its full satisfaction, does grant to the City of Sandusky, an Ohio municipal corporation, the Grantee, the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 60-00166.000-T

City of Sandusky – Sandusky Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 60-00166.000

Prior Instrument Reference: File 360718, Page 12, Erie County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 18 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment and construction of a public pathway.

In Witness Whereof US Tsubaki Power Transmission LLC, an Illinois corporation has caused its name to be subscribed by _____, its _____, and its duly authorized agent on the ____ day of _____, 2024.

US Tsubaki Power Transmission, LLC, an Illinois corporation

By: _____

Title: _____

State of Ohio, County Of Erie ss:

Be It Remembered, that on the ____ day of _____, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named _____, who acknowledged being the _____ and duly authorized agent of US Tsubaki Power Transmission LLC, an Illinois corporation, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to _____, its _____, and duly authorized agent of US Tsubaki Power Transmission LLC, an Illinois corporation, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

My Commission expires: _____

This document was prepared by O.R. Colan Associates on behalf of the City of Sandusky on forms approved by the Ohio Attorney General's Office.

CITY OF SANDUSKY
PPN 60-00166.000 TEMPORARY EASEMENT

Situated in the State of Ohio, County of Erie, and the City of Sandusky, being part of Original Lot 32 in the Annexation to Margareta Township and is part of land now or formerly owned by US Tsubaki Power Transmission LLC, an Illinois corporation by deed in book 530, page 378 of the Erie County Records and being more fully described as follows:

Commencing at the intersection of the northeasterly corner of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the westerly right of way line of Edgewater Avenue;

1. Thence S 88° 20' 11" W along the northerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the southerly line of parcel number 60-00216.000 now or formerly owned by Allen L. Ott by deed RN 200402659 of the Erie County Records a distance of 1.38 feet to the True Place of Beginning for the parcel herein described;
2. Thence S 11° 34' 33" W a distance of 55.34 feet to a point;
3. Thence S 01° 33' 20" E a distance of 72.55 feet to a point;
4. Thence S 03° 25' 12" E a distance of 72.73 feet to a point;
5. Thence S 01° 39' 13" E a distance of 202.93 feet to a point on the southerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel;
6. Thence N 82° 18' 20" W along the southerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel a distance of 8.11 feet to a point;
7. Thence N 01° 39' 13" W a distance of 215.96 feet to a point;
8. Thence N 06° 17' 14" W a distance of 58.37 feet to a point;
9. Thence N 01° 48' 00" W a distance of 18.37 feet to a point;
10. Thence S 88° 20' 47" W a distance of 118.01 feet to a point;
11. Thence N 01° 39' 13" W a distance of 78.61 feet to a point;
12. Thence N 88° 20' 47" E a distance of 124.63 feet to a point;

CITY OF SANDUSKY
PPN 60-00166.000 TEMPORARY EASEMENT

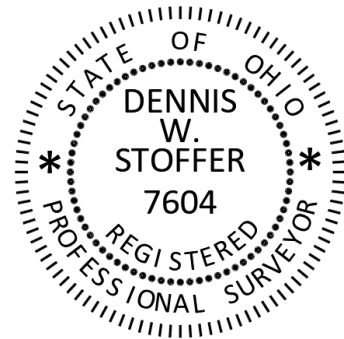
13. Thence N 14° 08' 41" E a distance of 30.76 feet to a point on the northerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the southerly line of said Allen L. Ott parcel;
14. Thence N 88° 20' 11" E along the northerly line of said US Tsubaki Power Transmission LLC, an Illinois corporation parcel and the southerly line of said Allen L. Ott parcel a distance of 8.31 feet to the True Place of Beginning, and containing 0.289 acres of land more or less.

This easement description and basis of bearing are based on a survey as provided by Contractors Design Engineering, LTD. to Environmental Design Group.

The above described easement lies within Erie County Auditor Parcel Number 60-00166.000



Dennis W. Stoffer, P.S. 7604





DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5829

www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron Klein, Director of Public Works

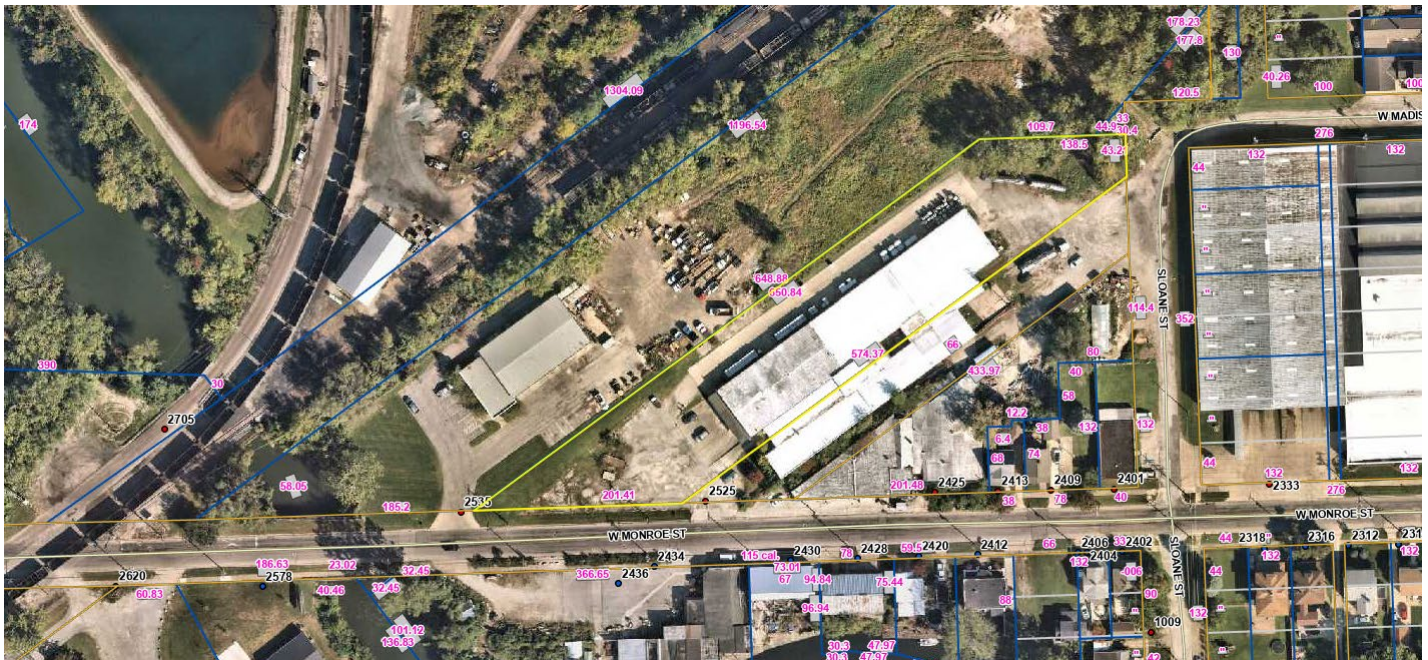
Date: March 26, 2024

Subject: Commission Agenda Item – Easements with West Side Sports Center for Sandusky Bay Pathway

Items for Consideration: Legislation authorizing the City Manager to enter into one (1) Temporary Easement and one (1) Permanent Easement from West Side Sports Center LLC for construction of portions of the Sandusky Bay Pathway.

Background Information: Per ordinance 19-115, the City contracted with Environmental Design Group (EDG) to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of Sandusky Bay Pathway project. After preferred alignment alternatives were approved, EDG and their subconsultant OR Colan & Associates (ORC) have worked with landowners on acquisition services.

The property outlined in yellow below is owned by West Side Sports Center LLC. See the exhibit attached to the Ordinance for an exact layout on this parcel (PPN 59-00135.000). The permanent easement totals 0.021 acres and the temporary easement totals 0.046 acres. Total acquisition is approximately 0.067 acres.



Budgetary Information: The cost of the temporary easement is \$835.80, and the total cost of the permanent easement is \$1,715.00 for a total acquisition price of \$2,550.80 that will be paid from Capital Projects Funds. Payment will be made to Philip G. Meyers dba West Side Sports Center LLC.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into a temporary and a permanent easement with West Side Sports Center LLC for a total amount of \$2,550.80 and that legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter to allow the consultant to proceed with finalizing construction plans for the next phase of the Sandusky Bay Pathway.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; S. Hastings, Law Director; M. Reeder, Finance Director

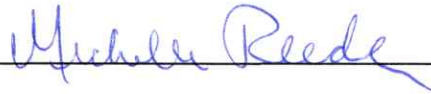
CERTIFICATE OF FUNDS

In the Matter of: West Side Sports Center- Pathway Easement

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.

Account #431-6505-53000

By: _____



Michelle Reeder

Finance Director

Dated: 4/2/24

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PERMANENT EASEMENT AND TEMPORARY EASEMENT GRANTED TO THE CITY BY WEST SIDE SPORTS CENTER LLC FOR THE SANDUSKY BAY PATHWAY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Bay Pathway is a coastal trail that stretches along the waterfront from the east corporation limit to the west corporation limit with several other on-street and off-street trails networking City roads and the City-wide park system; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into an agreement for professional design services with Environmental Design Group, LLC, of Akron, Ohio, to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of the Sandusky Bay Pathway, by Ordinance No. 19-115, passed on June 24, 2019; and

WHEREAS, West Side Sports Center LLC is the owner of property located at 2525 W. Monroe Street, Parcel No. 59-00135.000, and is granting the City a permanent easement and a temporary easement for a portion of their property necessary for the continuation of the Sandusky Bay Pathway; and

WHEREAS, the cost of the temporary easement is \$835.80 and the cost of the permanent easement is \$1715.00 for a total cost of \$2,550.80 and will be paid with Capital Projects 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 to allow the consultant to proceed with finalizing construction plans for the next phase of the Sandusky Bay Pathway; 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 a Permanent Easement and Temporary Easement granted to the City by West Side Sports Center LLC for a portion of the property located at 2525 W. Monroe Street, Parcel No. 59-00135.000, for the purpose of utilizing for the Sandusky Bay Pathway, copies of which are attached and marked Exhibits "1" and "2" and are 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 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

EASEMENT

West Side Sports Center LLC, an Ohio limited liability company, the Grantor(s), in consideration of the sum of \$1,715.00, to be paid by City of Sandusky, an Ohio municipal corporation, the Grantee, does convey(s) to Grantee, its successors and assigns, an easement, which is more particularly described in Exhibit A attached, the following described real estate:

PARCEL(S): 59-0135.000 - PE

City of Sandusky – Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 59-0135.000

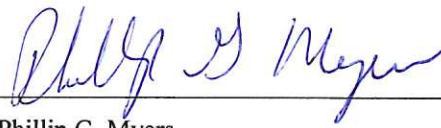
Prior Instrument Reference: Instrument No. 202302831, Erie County Recorder's Office.

Grantor(s), for itself and its successors and assigns, covenant(s) with the Grantee, its successors and assigns, that it is the true and lawful owner(s) in fee simple, and has the right and power to convey the property and that the property is free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the property against all claims of all persons.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, and maintenance of a public pathway. Grantee shall release the Grantor from any damages that may be caused by the normal operations of the Grantor, which include the crossing of the public pathway in the rear of the property and the property to the east of the Grantor's property, by large fuel tankers, semis and other heavy equipment that are utilized by Grantor or grantor's contractors, agents and/or assignees.

In Witness Whereof West Side Sports Center LLC, an Ohio limited liability company has caused its name to be subscribed by Phillip G. Myers, its sole Member, and its duly authorized agent on the 29 day of February, 2024.

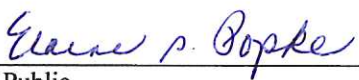
West Side Sports Center LLC,
an Ohio limited liability company


By: Phillip G. Myers
Title: Sole Member

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 29 day of February, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Phillip G. Myers, who acknowledged being the and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Phillip G. Myers, its sole member, and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.


Notary Public
My Commission expires: June 7, 2026

John Orzech, City Manager
City of Sandusky

ELAINE S. POPKE
Notary Public - State of Ohio
My Commission Expires 6-7-2026

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.



Exhibit A

**LEGAL DESCRIPTION
FOR
Permanent Easement
West Side Sports Center, LLC**

Situated in the City of Sandusky, County of Erie and State of Ohio and known as being part of Outlots 78 and 79 and more fully described as follows:

Beginning at a 1 inch iron rod found in a monument at the centerline intersection of Huron Street (50 feet in width) and Monroe Street (66 feet in width);

Thence North 88 degrees 03 minutes 28 seconds East along the centerline of said Monroe Street, a distance of 702.66 feet to a point;

Thence North 1 degrees 56 minutes 32 seconds West, a distance of 33.00 feet to a 3/4 inch iron rod found on the northerly right of way line of said Monroe Street and the true point of beginning for the parcel herein described;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 7.93 feet to a point;

Thence North 88 degrees 03 minutes 28 seconds East, a distance of 201.03 feet to a point;

Thence South 53 degrees 28 minutes 53 seconds West, a distance of 7.93 feet to a point of the northerly right of way line of said Monroe Street;

Thence South 88 degrees 03 minutes 28 seconds West along the northerly right of way line of said Monroe Street, a distance of 201.03 feet to the point of true beginning and containing 905 square feet or 0.021 acres of land, more or less.

Dennis W. Stoffer

Dennis W. Stoffer

Ohio Registered Professional Surveyor No. 7604

CORPORATE

450 Grant Street / Akron, OH 44311
P 330.375.1390 / F 330.375.1590
TF 800.835.1390

COLUMBUS OFFICE

7965 North High Street, Suite 050
Columbus, Ohio 43235

CLEVELAND OFFICE

2814 Detroit Avenue
Cleveland, Ohio 44113

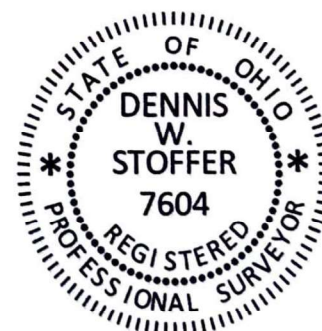
MARIETTA OFFICE

204 Front Street
Marietta, Ohio 45750

NEWARK OFFICE

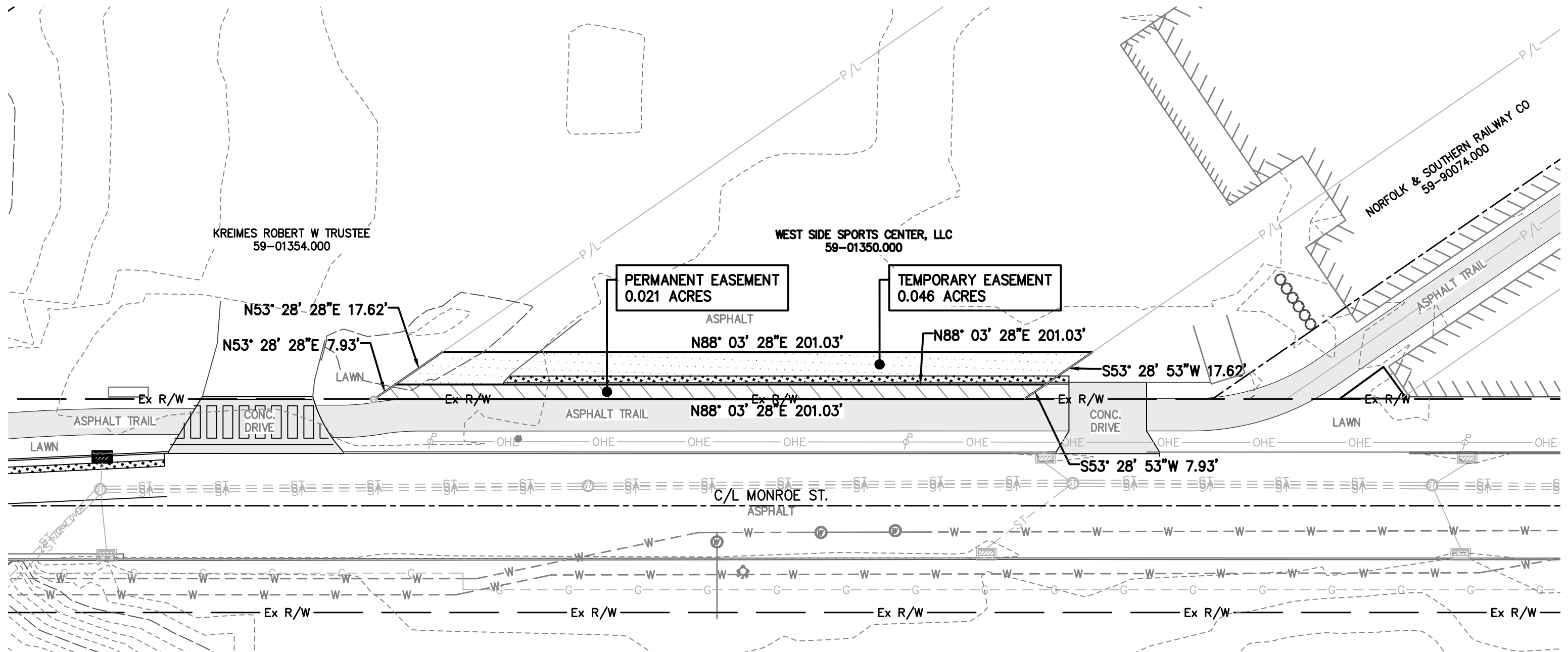
33 West Main Street, Suite 206-A
Newark, Ohio 43055

envdesigngroup.com



The community impact people.

E:\SANDUSKY\1720196420 BAY PATHWAY DESIGN\CADD\EXHIBITS\EASEMENT EXHIBITS\800\MYERS PHILIP G.DWG - 6/20/2023 7:49:21 AM



TEMPORARY EASEMENT

West Side Sports Center LLC, an Ohio limited liability company, the Grantor(s), in consideration of the sum \$835.80, to be paid by City of Sandusky, an Ohio municipal corporation, the Grantee, do grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 59-0135.000 -T

City of Sandusky - Bay Pathway Project

SEE EXHIBIT A ATTACHED

Erie County Current Tax Parcel No. 59-0135.000

Prior Instrument Reference: Instrument No. 202302831, Erie County Recorder's Office.

To have and to hold the temporary easement(s), for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement(s) granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors. Grantee will not impede the conduct of Grantor's business operations and shall ensure uninterrupted ingress and egress to and from Grantor's business premises for Grantor and Grantor's invitees, employees, representatives and guests.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment and construction of a public pathway.

In Witness Whereof West Side Sports Center LLC, an Ohio limited liability company has caused its name to be subscribed by Phillip G. Myers, its sole Member, and its duly authorized agent on the 29 day of February, 2024.

West Side Sports Center LLC,
an Ohio limited liability company

Phillip G. Myers

By: Phillip G. Myers

Title: Sole Member

State of Ohio, County Of Erie ss:

Be It Remembered, that on the 29 day of February, 2024, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Phillip G. Myers, who acknowledged being the sole Member and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Phillip G. Myers, its sole Member, and duly authorized agent of West Side Sports Center LLC, an Ohio limited liability company, with regard to the notarial act.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Elaine S. Popke

Notary Public

My Commission expires:

June 7, 2026

John Orzech, City Manager
City of Sandusky

ELAINE S. POPKE
Notary Public - State of Ohio
My Commission Expires 6-7-2026

Date

Instrument prepared by ORC Associates LLC for the City of Sandusky on a form approved by the Ohio Attorney General's Office.



LEGAL DESCRIPTION
FOR
Temporary Easement
West Side Sports Center, LLC

Situated in the City of Sandusky, County of Erie and State of Ohio and known as being part of Outlots 78 and 79 and more fully described as follows:

Beginning at a 1 inch iron rod found in a monument at the centerline intersection of Huron Street (50 feet in width) and Monroe Street (66 feet in width);

Thence North 88 degrees 03 minutes 28 seconds East along the centerline of said Monroe Street, a distance of 702.66 feet to a point;

Thence North 1 degrees 56 minutes 32 seconds West, a distance of 33.00 feet to a 3/4 inch iron rod found on the northerly right of way line of said Monroe Street;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 7.93 feet to the point of true beginning for the parcel herein described;

Thence North 53 degrees 28 minutes 28 seconds East, a distance of 17.62 feet to a point;

Thence North 88 degrees 03 minutes 28 seconds East, a distance of 201.03 feet to a point;

Thence South 53 degrees 28 minutes 53 seconds West, a distance of 17.62 feet to a point;

Thence South 88 degrees 03 minutes 28 seconds West, a distance of 201.03 feet to the point of true beginning and containing 2,010 square feet or 0.046 acres of land, more or less.

Dennis W. Stoffer

Ohio Registered Professional Surveyor No. 7604

CORPORATE

450 Grant Street / Akron, OH 44311

P 330.375.1390 / F 330.375.1590

TF 800.835.1390

COLUMBUS OFFICE

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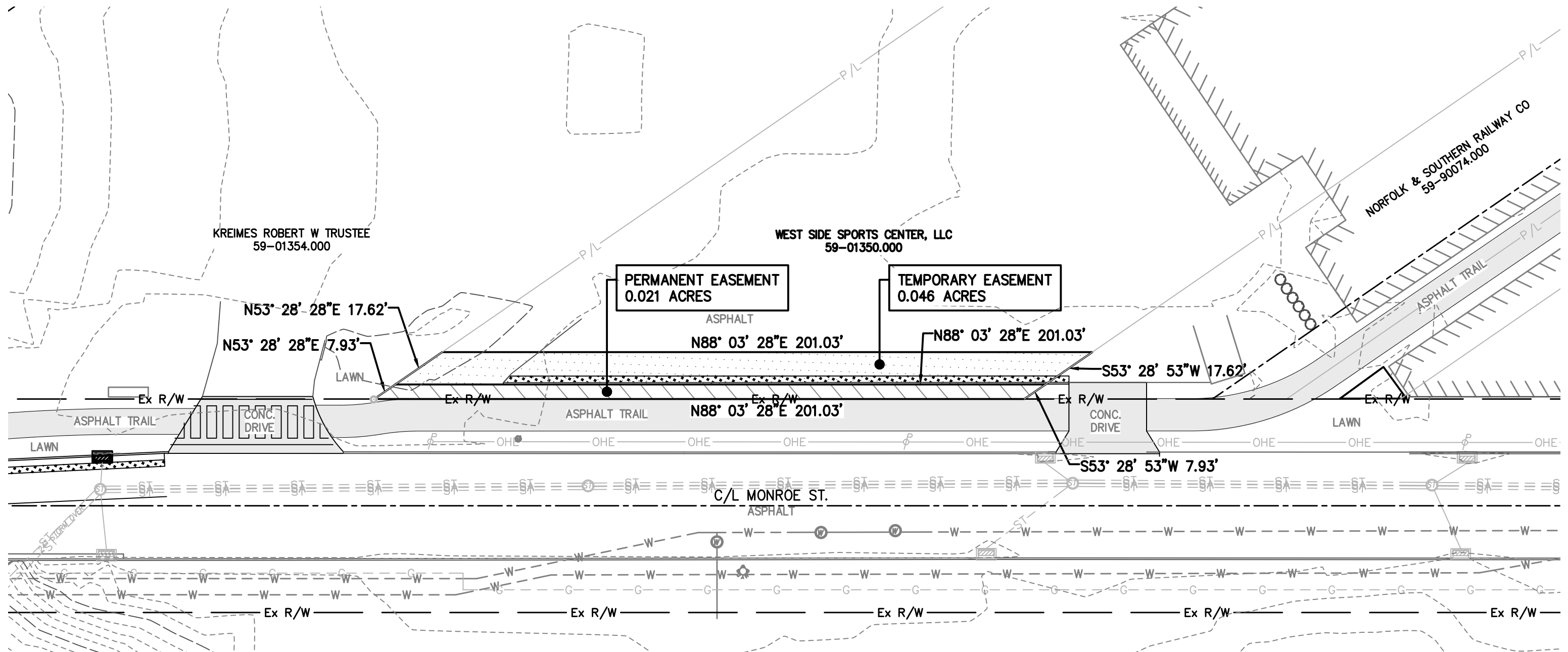
33 West Main Street, Suite 206-A

Newark, Ohio 43055

envdesigngroup.com



The community impact people.



LEGEND

- PERMANENT EASEMENT
- TEMPORARY EASEMENT
- EXISTING RIGHT-OF-WAY
- EXISTING PROPERTY LINE

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DEPARTMENT OF PUBLIC WORKS

240 Columbus Ave.
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Joshua R. Snyder, P.E., Public Works Engineer

Date: March 26, 2024

Subject: **Commission Agenda Item – Amending Resolution 009-24R, Accepting Bids for the 2024 Local Street Resurfacing Project**

ITEM FOR CONSIDERATION: Requesting legislation to amend Resolution 009-24R accepting bids for the 2024 Local Street resurfacing Project.

BACKGROUND INFORMATION: While preparing a communication to award the project, it was discovered by staff on Monday, March 25th, 2024, that the budgetary information in Resolution 009-24R granting staff the approval to move forward with accepting bids for the 2024 Local Street Resurfacing project, was incorrect. The legislation references the 2023 Local Resurfacing Project budget, not the 2024 Local Street Resurfacing Project budget as presented in the communication at the February 26, 2024, City Commission meeting.

The estimated cost of the street resurfacing is \$1,167,571.00 and the estimated cost for the parking lot (Alternate Bid) is \$49,963.00 for a total project cost of \$1,217,534 and with the local street resurfacing portion paid out of American Rescue Plan Act (ARPA) Stimulus Funds and the Parking lot portion paid out of Capital Projects Funds.

BUDGETARY INFORMATION: There is no budgetary impact.

ACTION REQUESTED: It is recommended that the proper legislation be approved amending Resolution 009-24R, accepting bids for the 2024 Local Street Resurfacing Project under suspension of the rules and in accordance with Section 14 of the City Charter in order to immediate amend the Resolution to reflect the actual estimates of cost and appropriation of funds, as the project is being presented for award at the same meeting.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein, P.E.
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

AN RESOLUTION AMENDING RESOLUTION NO. 009-24R, PASSED ON FEBRUARY 26, 2024, TO CORRECT A SCRIVENER'S ERROR; DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED 2024 LOCAL STREET RESURFACING PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed 2024 Local Street Resurfacing Project involves the resurfacing with asphalt overlay of many of the worst street segments in the City, based on a variety of factors, such as: street survey data compiled in 2023, age of existing asphalt surface, local roads, traffic volumes, recent neighborhood and park improvements, completed or planned capital improvements, existing planning documents, Street employee feedback, complaints, etc., and encompasses 43 street segments totaling 4.1 centerline miles of road, and depending on the condition of the street, the work may include milling and possibly excavation to address structural problems in the pavement; and

WHEREAS, this project will also include an Alternate Bid for the milling and paving of the asphalt portion of the Service Center Parking lot off Cement Avenue consisting of about 4,200 Square Yards and will require about 350 tons of asphalt; and

WHEREAS, it was discovered that a scrivener's error was made on Resolution No. 21-034 as the budgetary information provided in the legislation was from the 2023 Local Street Resurfacing Project and not the 2024 Local Street Resurfacing Project; and

WHEREAS, the estimated cost of the street resurfacing is **\$1,167,571.00** and the estimated cost for the Fire Station #7 parking lot (Alternate Bid) is **\$49,963.00** for an estimated total project cost of **\$1,217,534.00 of which the local street resurfacing portion will be paid with American Rescue Plan Act (ARPA) Stimulus Funds and the parking lot portion will be paid with Capital Projects Funds; and**

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately amend Resolution No. 009-24R to reflect the actual estimates of cost and appropriation of 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 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 **Resolution** be declared an emergency measure which will take

immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission hereby amends Resolution No. 009-24R, passed on February 26, 2024.

Section 2. The specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed 2024 Local Street Resurfacing Project, be and the same hereby are approved by this City Commission.

Section 3. This City Commission hereby declares it necessary to proceed with the proposed 2024 Local Street Resurfacing Project at the earliest possible time.

Section 4. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed 2024 Local Street Resurfacing Project as required by law.

Section 5. 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 6. 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 7. 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Joshua R. Snyder, P.E.

Date: March 25, 2024

Subject: Commission Agenda Item – Change Order #1 and Final to All Phase Power & Lighting, Inc. of Sandusky, Ohio for the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project

ITEM FOR CONSIDERATION: Change Order #1 and Final for a deduct in the contract with All Phase Power & Lighting, Inc. of Sandusky, Ohio for the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project.

BACKGROUND INFORMATION: Legislation approving a contract to All Phase Power and Lighting, Inc. for the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project was passed by Ordinance No. 22-090, on May 9, 2022, in the amount of \$271,920. There are five (5) variable frequency drives (VFD's) which control several high and low service pumps at the water plant and the majority of the VFDs replaced were installed in 2005 with one installed in 1999. When the VFDs fault out they cause the pumps to go off and turn back on and can cause water hammer in the supply system, which may result in water main breaks. These 5 VFDs were at the end of their useful life and have been replaced.

This change order reflects the actual labor and material costs of the project and the unused contingency amount.

BUDGETARY INFORMATION: The original contract amount was \$271,920.00, and with the deduction of Change Order 1 in the amount of \$50,000, the final cost is \$221,920.00. This is a savings of \$50,000 (18%) that will remain in the Water Fund.

ACTION REQUESTED: It is recommended that proper legislation be prepared approving Change Order 1 and Final for a deduct to the contract with All Phase Power & Lighting, Inc. of Sandusky Ohio in the amount of \$50,000 for the 2022 Big Island Waterworks Plant Variable Frequency Drives Replacement Project. It is further requested that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to close this project out.

I concur with this recommendation:

John Orzech
City Manager

Aaron M. Klein, PE
Director of Public Works

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

2022 BIG ISLAND WATER WORKS (BIWW) PLANT VARIALBE FREQUENCY DRIVES REPLACEMENT PROJECT
All Phase Power & Lighting, Inc.Sandusky, OH

CHANGE ORDER #1 AND FINAL

ITEM No	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT COST LABOR	UNIT COST MATERIAL	TOTAL ITEM COST	PAY REQUEST NO. 1	PAY REQUEST NO. 2	PAY REQUEST NO. 3	PAY REQUEST NO. 4	PAY REQUEST NO. 5	PAY REQUEST NO. 6	PAY REQUEST NO. 7	TOTALS TO DATE	+/-
1	Insurance& Bonding	1	LS	\$0.00	\$4,070.00	\$4,070.00	\$4,070.00							\$4,070.00	\$0.00
2	Mobilization	1	LS	\$500.00	\$0.00	\$500.00							\$500.00	\$500.00	\$0.00
3	VFD FOR LSP#18 (12MGD)	1	LS	\$0.00	\$29,505.00	\$29,505.00		\$27,144.60					\$2,360.40	\$29,505.00	\$0.00
4	Labor/material to install and program VFD FOR LSP#18 (12MGD) including system integration & automation	1	LS	\$17,495.00	\$2,150.00	\$19,645.00				\$19,645.00				\$19,645.00	\$0.00
5	VFD FOR LSP #20 (12MGD)	1	LS	\$0.00	\$29,505.00	\$29,505.00			\$27,144.60				\$2,360.40	\$29,505.00	\$0.00
6	Labor/material to install and program VFD FOR LSP#20 (12MGD) including system integration & automation	1	LS	\$16,945.00	\$1,720.00	\$18,665.00					\$18,665.00			\$18,665.00	\$0.00
7	VFD FOR LSP #21 (8MGD)	1	LS	\$0.00	\$21,920.00	\$21,920.00	\$20,166.40						\$1,753.60	\$21,920.00	\$0.00
8	Labor/material to install and program VFD FOR LSP#21 (8MGD) including system integration & automation	1	LS	\$14,265.00	\$990.00	\$15,255.00						\$15,255.00		\$15,255.00	\$0.00
9	VFD FOR LSP #12 (9MGD)	1	LS	\$0.00	\$16,640.00	\$16,640.00					\$16,640.00			\$16,640.00	\$0.00
10	Labor/material to install and program VFD FOR LSP#12 (9MGD) including system integration & automation	1	LS	\$14,265.00	\$1,610.00	\$15,875.00						\$15,875.00		\$15,875.00	\$0.00
11	VFD FOR HSP #4 (6MGD)	1	LS	\$0.00	\$34,825.00	\$34,825.00	\$32,039.00						\$2,786.00	\$34,825.00	\$0.00
12	Labor/material to install and program VFD FOR HSP#4 (6MGD) including system integration & automation	1	LS	\$14,265.00	\$1,100.00	\$15,365.00					\$15,365.00			\$15,365.00	\$0.00
13	Electrical-permits and drawings	1	LS	\$0.00	\$150.00	\$150.00							\$150.00	\$150.00	\$0.00
14	Contingency-to be used at the direction of the engineer	1	LS	-	-	\$50,000.00								\$0.00	-\$50,000.00
TOTALS=							\$271,920.00	\$56,275.40	\$27,144.60	\$27,144.60	\$19,645.00	\$50,670.00	\$31,130.00	\$9,910.40	\$221,920.00
RETAINAGE=							\$4,502.03	\$2,171.57	\$2,171.57	\$1,571.60			-\$10,416.77	\$0.00	\$0.00
PAYMENTS							\$51,773.37	\$24,973.03	\$24,973.03	\$18,073.40	\$50,670.00	\$41,546.77	\$9,910.40	\$221,920.00	\$0.00

AGREED

CONTRACTOR:

Frank Kath, PRES. ALL PHASE
CITY:

DATE

3.26.24
DATE

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY ALL PHASE POWER AND LIGHTING, INC. OF SANDUSKY, OHIO, FOR THE 2022 BIG ISLAND WATER WORKS (BIWW) PLANT VARIABLE FREQUENCY DRIVES REPLACEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, BIWW and Engineering Staff had been working on a proactive project to replace the variable frequency drives (VFD's) at the BIWW Plant that control several high and low service pumps and are used to allow the pumps to throttle up and down slowly to reduce the possibility of water hammer, which is a main reason that pumps or pipes burst; and

WHEREAS, the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project involved the replacement of five (5) VFDs of which four (4) were installed in 2005 and one (1) in 1999, and included installation; and

WHEREAS, the City Commission declared the necessity for the City to proceed with the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project by Resolution No. 015-22R, passed on February 14, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to ALL PHASE Power and Lighting, Inc. of Sandusky, Ohio, for the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project by Ordinance No. 22-090, passed on May 9, 2022; and

WHEREAS, this First & Final Change Order reflects the actual labor and material costs of the project and the unused contingency amount; and

WHEREAS, the original contract with ALL PHASE Power and Lighting, Inc. of Sandusky, Ohio, was \$271,920.00, and with the **deduction** of this First & Final Change Order in the amount of \$50,000.00, the final contract cost is \$221,920.00 and the savings will remain in the Water Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to 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 Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the 2022 Big Island Water Works Plant Variable Frequency Drives Replacement Project and to **deduct** from the contract amount the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) resulting in the final contract cost of Two Hundred Twenty-One Thousand Nine Hundred Twenty and 00/100 Dollars (\$221,920.00) with ALL PHASE Power and Lighting, Inc. of Sandusky, 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Megan Stookey, Project Manager

Date: March 26, 2024

Subject: Commission Agenda Item – Submerged Lands Lease for 427 Cedar Point Road

ITEM FOR CONSIDERATION: Legislation authorizing and consenting to a submerged lands lease to be issued by the State of Ohio for John L. & Terri S. Welkener, 427 Cedar Point Road, Sandusky, Ohio, 44870.

BACKGROUND INFORMATION: This lease is for the property located at 427 Cedar Point Road (PPN 55-00122.000), for a proposed shore structure along the Sandusky Bay.

The applicant has submitted the Coastal Permit and Lease Application to the State of Ohio Department of Natural Resources (ODNR). ODNR requires a resolution from the City stating the area of land in question is not needed by local authority for future improvements (i.e. breakwaters, harbors, marinas, piers, etc.) and that the land uses in the application comply with regulation of permissible land use of the local authority.

After review of the land and business use, we find this property to be in compliance with the City code and is not needed for future local improvements.

BUDGETARY INFORMATION: There is no budgetary impact.

ACTION REQUESTED: It is recommended that proper legislation be prepared authorizing and consenting to a submerged lands lease issued by the State of Ohio Department of Natural Resources to John L. & Terri S. Welkener of 427 Cedar Point Road, Sandusky, Ohio 44870. It is requested that this legislation be approved under suspension of the rules in accordance with Section 14 of the City Charter in order to ensure that the administrative review process can continue in a timely manner.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY JOHN & TERRI WELKENER FOR PROPERTY LOCATED AT 427 CEDAR POINT ROAD, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, John L. and Terri S. Welkener are the upland property owners of land located at 427 Cedar Point Road within the City of Sandusky; and

WHEREAS, the upland property owners have made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and incorporated herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

WHEREAS, this City Commission determines that based upon the upland property owners' representations, the territory as described in their application and site plan filed by the upland property owners is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky, of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce; and

WHEREAS, this City Commission determines that based upon the upland property owners' representations the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under all waterfront plans adopted by the City of Sandusky; and

WHEREAS, this Resolution should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to ensure that the administrative review process can continue in a timely manner; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that based upon the upland property owners' representations as contained in attached "Exhibit A" the

territory as described in their application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the upland property owners' representations contained in attached "Exhibit A" the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under all waterfront plans adopted by the City of Sandusky.

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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

COASTAL PERMITS AND LEASE APPLICATION

Please consult the instructions prior to completing this form. Please type or print clearly using blue or black ink.

GENERAL INFORMATION

1. Property owner name: John L. Welkener, Jr. and Terri S. Welkener	
2. Mailing address: 427 Cedar Point Rd. Sandusky, OH 44870	3. Home telephone number: 440-225-3784
	4. Alternate telephone number: 216-213-6285
	5. Email address: twelkener@gmail.com
6. Authorized agent/representative name: N/A	
7. Mailing address:	8. Telephone number:
	9. Fax Number:
	10. Email address

11. Street address: 427 Cedar Point Rd., Sandusky, OH 44870	
12. Permanent parcel number(s): 55-00122.000	
13. City or township: Sandusky	14. County: Erie
15. Site location description (if necessary):	16. Submittals (check if enclosed): <input checked="" type="checkbox"/> Location map

17. Name of adjoining shoreline property owner(s)	Site address/city/state/zip code	Mailing address/city/state/zip code
Robert F. & Catherine Long	429 Cedar Point Rd.	26070 Westwood Westlake, OH 44145
Jeffrey & Valerie A. Downs	423 Cedar Point Rd.	423 Cedar Point Rd. Sandusky, OH 44870
Cedar Point Park LLC	Roadway	PO Box 543185 Dallas, TX 75354

18. Brief description of the proposed structure or project (attach additional sheets if necessary): Install EZ-Dock dock system with 39"x10' gangway originating from current location of stairs shown on the Erie County Auditor's map (copy attached). This gangway will lead to a 10'x10' floating docket with attached kayak launcher. We have not yet received a start date yet for the project, but it is expected to be summer of 2024, with the actual project taking less than a week.	
19. Anticipated start date: June 15, 2024	20. Anticipated finish date: September 15, 2024

21. To apply for an authorization, check the box below and complete the application on the reverse page:		
<input type="checkbox"/> Shore Structure Permit	<input checked="" type="checkbox"/> Submerged Lands Lease	<input type="checkbox"/> Coastal Erosion Area Permit
<input type="checkbox"/> Submerged Lands Permit	<input type="checkbox"/> Submerged Lands Lease Modification	<input checked="" type="checkbox"/> Consistency Statement

SHORE STRUCTURE PERMIT APPLICATION**\$1506.40 ORC**

1. Professional Engineer:		2. Ohio registration number:
3. Mailing address:	4. Phone number:	7. Submittals (check if enclosed) <input type="checkbox"/> Construction drawings (by professional engineer) <input type="checkbox"/> Design information
	5. Fax number:	
	6. Email address:	

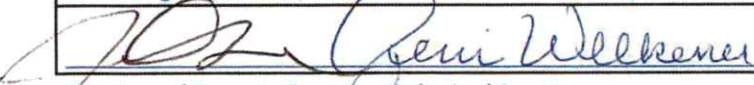
SUBMERGED LANDS LEASE APPLICATION**\$1506.11 ORC**

1. Total Area of Submerged Lands to be Occupied: approximately 586 sq. ft.	
2. Upland deed recording information [Deed book]	[Deed page] RN 202303130 (3 pages)
3. Local Authority Issuing Resolution:	Date issued:
4. Was any Portion of the Structure Erected in Lake Erie Prior to October 13, 1955?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Brief Explanation of the Purpose of the Structure or Project (<i>attach additional sheets if necessary</i>): Dock for access to launch kayaks and other water sports equipment (drop-off is too high to safely enter Sandusky Bay).	6. Submittals (check if enclosed): <input checked="" type="checkbox"/> Construction drawings <input checked="" type="checkbox"/> Copy of title deed <input checked="" type="checkbox"/> Metes & bounds description and plat <input type="checkbox"/> Local resolution or ordinance <input type="checkbox"/> Legal documentation of signature authority

COASTAL EROSION AREA PERMIT APPLICATION**\$1506.07 ORC**

1. Authorization Type:	<input type="checkbox"/> Existing <input checked="" type="checkbox"/> New Measure	Date Built (if existing):
2. Upland deed recording information [Deed book]	[Deed page]	
3. Construction start date for the building or addition:		
4. Brief description of the building or addition (<i>attach additional sheets if necessary</i>):	5. Submittals (check if enclosed): <input type="checkbox"/> Construction drawings <input type="checkbox"/> Permanent structure drawings <input type="checkbox"/> Copy of title deed <input type="checkbox"/> Construction schedule <input type="checkbox"/> Design information	

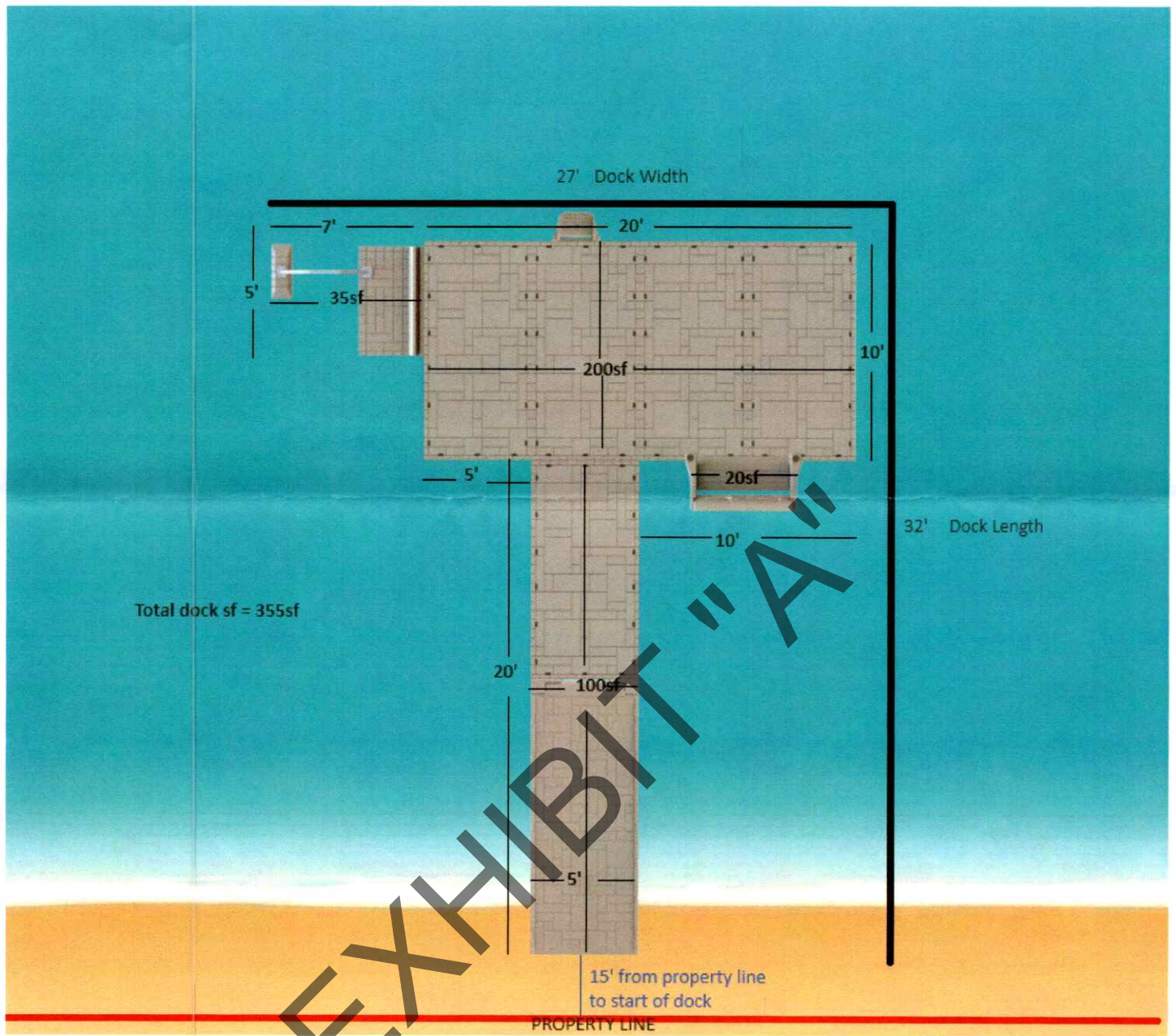
SIGNATURE AND CONSISTENCY STATEMENT**\$1506.03 ORC**

I certify that the proposed activity identified in this application shall comply with Ohio's approved Coastal Management Program and will be conducted in a manner consistent with such program (15 CFR 930.57 and ORC 1506.03). I do additionally certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate.	
Signature of Property Owner or Authorized Agent 	Date 2-3-2024

Application page 2 of 2

EMAIL TO (preferred): coastal.regulatory@dnr.ohio.gov

or MAIL TO: Ohio DNR Office of Coastal Management, 2514 Cleveland Road East, Huron, Ohio 44839

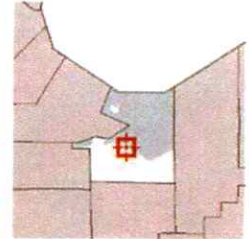




Richard H. Jeffrey
ERIE COUNTY AUDITOR | ERIE COUNTY, OHIO



Overview



Legend

- Parcels
- Parcel Dimensions
- Parcel Dimensions (Original)
- Lot Lines
- Lot Line Labels
- Streets
- Addresses
 - 0
 - 1
 - <all other values>

Parcel ID	55-00122.000	Acreage	0.86	Last 2 Sales	Date	Price	Vol/Page
Owner	WELKENER TERRIS & JOHN LENARD WELKENER JR (Owner Address)				5/4/2023	\$688000	202303130
	WELKENER TERRIS & JOHN LENARD WELKENER JR (Tax Payer Address)				5/10/2017	\$310000	201704109
Property Address	427 CEDAR POINT RD SANDUSKY						

Date created: 1/25/2024

Last Data Uploaded: 1/25/2024 7:28:39 AM

Developed by Schneider
GEOSPATIAL

BK 48

423 CEDAR POINT ROAD
JEFFREY J. & VALERIE A.
DOWNS
RN 201303525
55-00306.000

BLOCK 49

429 CEDAR POINT ROAD
ROBERT F. & CATHERINE LONG
D.V. 490, PG. 507
55-00027.000

CEDAR POINT ROAD
(50' RIGHT-OF-WAY)

GARAGE
ONE STORY - FRAME
VINYL SIDING
ASPHALT SHINGLE ROOF

HOUSE
ONE STORY - FRAME
ALUMINUM & STONE SIDING
ASPHALT SHINGLE ROOF

CLEARCUT DRIVE

STRAIN & CON. JOINTS
AT 221, PG 498

EDGE OF WATER
4/12/17

1" CR FND.
(6.37' N)

5/8" IR SET

100'

N 41°51'10" E 377.64'

S 41°51'10" W 293.75'

75.00'

N 48°08'50" W 85.00'

75.00'

150.00'

5/8" IR SET

1" SP FND.

1/2" IR FND.

BLOCK 48
BLOCK 49

BLOCK 49
BLOCK 50

EDGE OF WATER
4/12/17

S 41°51'10" W 100.25'±

80.00'

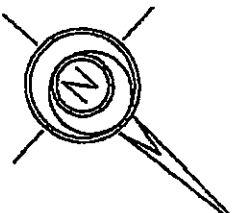
75.00'

N 48°08'50" W 85.00'

LOW WATER MARK (DEED)

LAKE ERIE

SCALE: 1" = 30'



JOHN & TERRI WELKENER
427 CEDAR POINT RD.
SANDUSKY, OH 44870
(440) 225-3784
twelkener@gmail.com

ENGINEERING

MAR 15 2024

CITY OF SANDUSKY

February 13, 2024

To Whom It May Concern:

We have applied to both the U.S. Army Corps of Engineers and the Ohio Department of Natural Resources to place a structure (drawing enclosed) on the submerged lands of Lake Erie adjacent to our property (PPN: 55-00122.000).

One of the necessary components for obtaining a lease from the State of Ohio is an ordinance or resolution from the local authority stating that the area of submerged lands in question is not needed by the local authority for future improvements (i.e., breakwaters, harbors, marinas, piers, etc.) and that the land uses in my application comply with regulation of permissible land use of the local authority.

Please consider and act on my request for this resolution or ordinance at your next possible meeting. I greatly appreciate your assistance, and have provided my address, email and phone number above for your convenience.

Thank you,



John & Terri Welkener

Enclosures



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron Klein, Director

Date: March 26, 2024

Subject: Commission Agenda Item – Permission to re-bid the Sandusky Wheels Park project

ITEM FOR CONSIDERATION: Requesting legislation repealing Resolution No. 008-24 and authorizing the City to accept bids for the re-bid of the Sandusky Wheels Park project.

BACKGROUND INFORMATION: Pursuant to Resolution 008-24R approved by Sandusky City Commission on February 12, 2024, bids were accepted on February 29, 2024, at 1:30 pm. Unfortunately, it was determined that the two bids received must be rejected since they exceeded the engineer's estimate by more than 10% of the base bid. Staff discussed possible design modifications with the project stakeholders, the specialty contractors, and the design consultant. It was determined to move the pump track and sidewalks from the base bid to two separate alternate bids providing flexibility to award certain components of the project based on available funding. The main skatepark design will not change and will still contain all of the features originally promised and detailed in the original communication. Additionally, the construction completion schedule will be extended since many of the specialty contractors cannot start this work until October or later anyway. These two options should allow for more competitive pricing by more contractors.

BUDGETARY INFORMATION: The engineer's estimate for the project is \$887,768.00 and shall be paid for with American Rescue Plan Act (ARPA) funds. These funds must be encumbered by the end of 2024 and spent by the end of 2026.

ACTION REQUESTED: It is recommended that proper legislation be prepared repealing Resolution No. 008-24R and authorizing the City to accept bids for the re-bid of the Sandusky Wheels Park project and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to get the project on the contractors' schedules so it can be completed prior to spring of 2025.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 008-24R AND DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED SANDUSKY WHEELS PARK PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City desires to update the Skate Park located behind the Sandusky Police Department on Meigs Street to create a destination public skate park accessible to users of all wheels, all ages, and all skill levels; and

WHEREAS, the proposed Sandusky Wheels Park Project consists of a new 12,000 square foot all-wheels destination public park accessible to users of many types of wheels, all ages, and all skill levels with improved pedestrian access and amenities and includes semi-separated beginner/mellow area, bowl, pump track, jump line, street elements, and public art; and

WHEREAS, this City Commission approved a Professional Design Services Agreement with OHM Advisors of Cleveland, Ohio, for the Sandusky Skate Park – Design Development Project for the preliminary design and community engagement process for a new skate park by Ordinance No. 22-194, passed on September 26, 2022; and

WHEREAS, this City Commission approved a Professional Design Services Agreement with OHM Advisors of Cleveland, Ohio, for the design and construction documentation for the Sandusky Wheels Park Project by Ordinance No. 23-188, passed on September 11, 2023; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Sandusky Wheels Park by Resolution No. 008-24R, passed on February 12, 2024; and

WHEREAS, this City Commission approved an Amendment to the Professional Design Services Agreement with OHM Advisors of Cleveland, Ohio, for the construction administration and construction material testing for the Sandusky Wheels Park Project by Ordinance No. 24-046, passed on February 26, 2024; and

WHEREAS, subsequent to advertisement according to law, two (2) bids were received which exceeded the original estimate of cost by more than 10% and pursuant to §41 of the City Charter no contract can be awarded, and therefore the bids were rejected which necessitates the rebid of the Sandusky Wheel Park Project; and

WHEREAS, upon discussions on possible design modifications with the project stakeholders, the specialty contractors, and the design consultant, it was determined to move the pump track and sidewalks from the base bid to two separate alternate bids providing flexibility to award certain components of the project based on available funding; and

PAGE 2 - RESOLUTION NO. _____

WHEREAS, the revised estimated construction cost of the project is \$887,768.00 and will be paid with American Rescue Plan Act (ARPA) Stimulus Funds; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately bid and award the project so the contractor can schedule the work and complete prior to spring of 2025; 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. This City Commission hereby repeals Resolution 008-24R, passed on February 12, 2024.

Section 2. The revised specifications and estimates of cost as prepared by the Director of Public Works and submitted to this City Commission, and which are now on file in the offices of the Director of Public Works and the Clerk of the City Commission, for the proposed Sandusky Wheels Park Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Sandusky Wheels Park Project, at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Sandusky Wheels Park Project, as required by law.

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

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all

deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron M. Klein, PE

Date: March 20, 2024

Subject: **Commission Agenda Item – Change Order 2 on the Sandusky Justice Center project**

ITEM FOR CONSIDERATION: Legislation approving Change Order 2 for the Sandusky Justice Center project.

BACKGROUND INFORMATION: Legislation was unanimously passed at the September 12, 2022, City Commission meeting awarding a construction contract for the Sandusky Justice Center project to Mosser Construction, Inc. of Fremont, Ohio per Ordinance 22-187 in the amount of \$10,623,800.00. The design was to renovate an existing facility that was formerly Sandusky City Hall into a new justice center for the Sandusky Police Department and Sandusky Municipal Court. Ordinance 23-255 was passed on December 11, 2023 approving Change Order 1 for asbestos remediation, structural steel, and unknown existing conditions. Staff is seeking approval of a second extra work change order required to complete the project.

IT and Security Modifications

At the onset of the project, several items were omitted from the work with the intention of developing a subsequent project after completion of the Justice Center that would incorporate certain IT and security improvements. It was decided during construction that it would make more sense to incorporate these items into the current construction. Additionally, some modifications were made during the build-out that would modify access to certain doors or to relocate cameras based on money transfers or hallway alignments. This extra work is specified in Potential Change Orders (PCO) 41, 46, and 67 as seen on the attached document.

Omitted due to Budgetary Constraints

When the project was originally designed, some items were eliminated from the scope due to strict budgetary constraints. While the project team is still very conscious of costs on this project, one item that is being recommended to reincorporate is replacement of damaged curb around the perimeter of the parking lot. There was a stipend for 100 linear feet of replacement curb on the project, but additional lengths have deteriorated more over the past three years totaling 663 linear feet of needed sidewalk repair. The main reason for this is that the current cost will be lower than in the future since the contractor will already be onsite doing limited curb work. Second, most of the damaged areas will be inside the secured fenced area designated for police and court employees causing operational issues for access. Finally, it is difficult to envision a beautiful new facility with broken and spalled curbing as the first impression. This is included in PCO 97.

Another item that was a design casualty was replacement of the two hot water tanks. In two years, both would have reached their useful life and would have been difficult to access for city crews to replace. It was also noticed that they were not operating as efficiently as they should based on the location of fixtures throughout the building. Therefore, a recirculating pump was added to the project. While the contractor was installing the new plumbing, staff directed Mosser to replace the tanks. Costs are included in PCO 44.

Unknown & Hidden Conditions

There tend to be unknowns in retrofit projects that are only revealed after walls are removed and floors are opened. For example, upon removal of the elevated plywood floor, it was discovered that there were concrete housekeeping pads and curbing under it that needed to be removed to provide a new functional floor. After hammering out the concrete, additional floor preparation was required. This cost is included in PCO 69.

Many of the interior and exterior walls had voids in the Concrete Masonry Unit (CMU) block for pipe runs or other reasons. The architect's structural engineer evaluated each opening to determine which were load bearing requiring infilling with new CMU blocks throughout the Phase 2 area. Some locations required infilling as a temperature barrier as well. These costs are reflected in PCO 78.



The original roof had several internal downspouts, storm risers, and sanitary risers scattered throughout the building. Since there was an existing roof overtop of the original roof, these pipes were not visible until the walls were opened. The contractor is seeking compensation for removal, disposal, and plugging of those openings in PCO 83.

Structural Steel & Masonry Repairs – Undocumented Conditions

As with Phase I, it was determined that a wall shown on the record drawings to be a load bearing wall did not have the structural steel or block needed to support the second floor. Additionally, a second floor wall was offset by approximately two feet causing adverse settling. This movement is the reason there was significant cracking and water damage in the walkway between the former administration wing and the former police department on the second floor. Installing the appropriate support requires demolition of two first floor walls on the south and east sides of the civil division, shoring the second floor, installing two new beams, pinning

CMU block to the grade beam, and reconstructing the masonry walls in full. In some cases, the utilities that were already installed had to be relocated to accommodate the new steel members. Unfortunately, this is a very significant cost established in PCO's 89 and 92.

There were several locations on the first floor where glazed glass block walls were used to provide structural support for the second floor and the roof. There were no structural members embedded in these walls. Sometimes the walls had two courses of 4-inch glass block and in other cases, there was one course of 4-inch glass block and one course of 4-inch CMU. These extended from floor to ceiling. Glazed glass blocks are strictly aesthetic, providing no structural support. The contractor was directed to provide temporary shoring and permanent 8-inch CMU block to ensure proper stability throughout the building where a wall was to remain as a load bearing wall. These costs are reflected in PCO's 86 and 88.



Summary

As on most projects, extra work adds cost and possibly time for the project. Although time extensions will not be presented in this change order, it is important to approve Change Order 2 for costs related to the above extra work. This equates to a total project increase of 6.65%, which is low for a building refurbishment.

IT and Security Modifications	\$ 96,671.18
Omitted Due to Budgetary Constraints	\$ 32,590.66
Unknown and Hidden Conditions	\$ 30,898.43
<u>Structural Steel & Masonry Repairs</u>	<u>\$117,983.16</u>
Change Order 2, Total	\$278,143.43

BUDGETARY INFORMATION: The original contract plus Change Order 1 established the current contract amount of \$11,107,530.70. Change Order 2 would be an overall increase of \$278,143.43, increasing the contract total to \$11,385,674.13. Staff still anticipates issuing debt for this project with debt service payments being paid from Capital Projects and General Bond Retirement funds. Sandusky Municipal Court will be responsible for 40% and SPD for 60% of total project costs. Alternative financing options will be discussed by the Finance Committee on April 19.

ACTION REQUESTED: It is recommended that proper legislation be approved for Change Order 2 on the Sandusky Justice Center project with Mosser Construction, Inc., of Fremont, OH for an increase to the contract of \$278,143.43, and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow for prompt payment to the contractor for work performed or currently being performed.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PUBLIC WORKS

Project: Sandusky Justice Center Project
Construction Work Order No.: 2

CONTRACT: 2993
ORDINANCE NO. 22-187

Contractor: Mosser Construction, Inc.
122 South Wilson Ave
Fremont, OH 43420

STREET OR LOCATON OF WORK: 222 Meigs Street, Sandusky, OH 44870

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

Bid Item No.	Plan Quantity	Actual Quantity	Difference in Quantity	Unit	Description	Unit Price	Bid Price	Actual Price	Total ADD/DED
Additional Work: IT and Security Modifications									
PCO 41	0	1.00	1.00	LS		\$ -	\$ -	\$ 46,428.73	\$ 46,428.73
PCO 46	0	1.00	1.00	LS		\$ -	\$ -	\$ 24,211.51	\$ 24,211.51
PCO 67	0	1.00	1.00	LS		\$ -	\$ -	\$ 26,030.94	\$ 26,030.94
Additional Work: Omitted due to Bodgetary Constraints									
PCO 44	0	1.00	1.00	LS		\$ -	\$ -	\$ 6,452.88	\$ 6,452.88
PCO 97	0	1.00	1.00	LS		\$ -	\$ -	\$ 26,137.78	\$ 26,137.78
Additional Work: Unknown and Hidden Conditions									
PCO 69	0	1.00	1.00	LS		\$ -	\$ -	\$ 4,574.20	\$ 4,574.20
PCO 78	0	1.00	1.00	LS		\$ -	\$ -	\$ 20,634.13	\$ 20,634.13
PCO 83	0	1.00	1.00	LS		\$ -	\$ -	\$ 5,690.10	\$ 5,690.10
Additional Work: Structural Steel & Masonry Repairs - Undocumented Conditions									
PCO 86	0	1.00	1.00	LS		\$ -	\$ -	\$ 4,750.30	\$ 4,750.30
PCO 88	0	1.00	1.00	LS		\$ -	\$ -	\$ 2,869.49	\$ 2,869.49
PCO 89	0	1.00	1.00	LS		\$ -	\$ -	\$ 101,316.62	\$ 101,316.62
PCO 92	0	1.00	1.00	LS		\$ -	\$ -	\$ 9,046.75	\$ 9,046.75

Explanation: Change order & Contingency reflects work performed in the field.

Total Difference

This CO = \$ 278,143.43

Accepted: _____ Date: _____, 2024

Original Contract Price = \$ 10,623,800.00

Contract Price after CO1 = \$ 11,107,530.70

Contract Price after CO2 = \$ 11,385,674.13

Accepted: _____ Date: _____, 2024

% Increase = 6.69%

Original Architect's Estimate = \$ 13,177,301.00

% Increase = -13.60%

CERTIFICATE OF FUNDS

In the Matter of: Mosser- Justice Center Change Order #2

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.

Account #431-6503-55990, 863-1140-54000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 4/2/24

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND CHANGE ORDER FOR WORK TO BE PERFORMED BY MOSSER CONSTRUCTION, INC. OF FREMONT, OHIO, FOR THE SANDUSKY JUSTICE CENTER PROJECT IN THE AMOUNT OF \$278,143.43; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Justice Center Project consists of renovating and reconstructing the former City Hall, located at 222 Meigs Street, to serve as the Sandusky Justice Center, and house the Sandusky Police Department, Sandusky Municipal Court, and Prosecutor’s Office; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with Richard L. Bowen & Associates, Inc. of Cleveland, Ohio, for the Justice Center Design Project Phase I by Ordinance No. 18-080, passed on May 13, 2019; and

WHEREAS, the City Commission approved a First Amendment to the agreement for Professional Design Services with Richard L. Bowen & Associates, Inc. of Cleveland, Ohio, for the Justice Center Design Project Phase I & II by Ordinance No. 21-122, passed on July 26, 2021; and

WHEREAS, the final design and site plan was presented and unanimously approved at the Planning Commission meeting on June 22, 2022; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Sandusky Justice Center Project by Resolution No. 040-22R, passed on July 11, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Mosser Construction, Inc. of Fremont, Ohio, for work to be performed for the Sandusky Justice Center Project by Ordinance No. 22-187, passed on September 12, 2022; and

WHEREAS, the City Commission approved the First Change Order for additional work provided for asbestos remediation and additional structural support for the Detective Bureau and new lobby in the amount of \$483,730.70 by Ordinance No. 23-255, December 11, 2023; and

WHEREAS, this Second Change Order reflects additional Information Technology and security improvements, additional work for the replacement of damaged curb around the parking lot and sidewalk repairs, and other work necessary due to unknown and/or undocumented conditions with flooring, structural steel and masonry repairs and these items are summarized as follows:

IT and Security Modifications	ADD	\$ 96,671.18
Omitted Due to Budgetary Constraints	ADD	\$ 32,590.66
Unknown and Hidden Conditions	ADD	\$ 30,898.43
Structural Steel & Masonry Repairs	ADD	\$117,983.16
Total		\$278,143.43

WHEREAS, the current contract with Mosser Construction, Inc. of Fremont, Ohio, is \$11,107,530.70, and with the addition of this Second Change Order in the amount of \$278,143.43, the revised contract cost is \$11,385,674.13 of which \$26,030.94 will be paid with Federal Forfeiture Funds, and the City anticipates issuing debt for the project and the debt service payments will be paid with Capital Projects Funds and General Bond Retirement Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow for prompt payment to the contractor for work already performed and/or work currently being performed; and

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

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

Section 1. The City Manager is hereby authorized and directed to approve this Second Change Order for work to be performed for the Sandusky Justice Center Project in an amount **not to exceed** Two Hundred Seventy-Eight Thousand One Hundred Forty-Three and 43/100 Dollars (\$278,143.43) resulting in a revised contract cost of Eleven Million Three Hundred Eighty-Five Thousand Six Hundred Seventy-Four and 13/100 Dollars (\$11,385,674.13) with Mosser Construction, Inc. of Fremont, 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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron Klein, Director of Public Works

Date: March 26, 2024

Subject: Commission Agenda Item – Wetlands Mitigation Purchase Agreement

Items for Consideration: Legislation authorizing the City Manager to enter into an agreement with The Nature Conservancy to purchase 1.4 acres of wetland mitigation credit for The Landing and repealing Ordinance Nos. 23-170 and 24-007 for the purchase of wetlands credits at the Black-Rocky River UMBI.

Background Information: Alignments for the Sandusky Bay Pathway east of Cedar Point Drive and associated acquisition are complete following the approved Landing Park and Sandusky Bay Pathway Master Plans. The next step for The Landing is for Environmental Design Group (EDG) to pursue various environmental permits, surveys, and approvals on behalf of the City with a timeline of publicly bidding in the summer of 2024.

The wetland delineation was originally completed in 2018 and was updated in 2022. There are a total of 51 acres of wetlands on The Landing site with 1.2 acres being permanently impacted by the project. There are no mitigation banks within the Sandusky River Watershed that would accommodate Category 3 coastal wetlands of these types. However, state law does not allow for a 1:1 replacement to purchased credits since they are not in the same watershed. Representatives of the Ohio Environmental Protection Agency (OEPA) have worked closely with the City and have agreed that one (1) non-forested and 0.4 forested wetlands credits from The Nature Conservancy through the Ohio Stream and Wetland In-Lieu Fee Mitigation Program would cover the needs of the project. The United States Army Corps of Engineers (USACE) has also agreed that this arrangement would close out the wetlands credits needed for the project.

Although USACE approved the use of purchased credits from the Black-Rocky Umbrella Mitigation Bank Instrument (UMBI), OEPA would not allow this site as a comparable location since it was multiple watersheds away. Hence, staff is also looking to repeal Ordinance Nos. 23-170 and 24-007 which approved purchase of those credits. All funds already paid to Stream + Wetlands Foundation will be transferred to credits purchased through the same foundation at the Pearson Wetlands Mitigation Bank, approved via Ordinance 23-169.

Budgetary Information: The cost is \$68,000 per acre for a total cost of \$95,200 that would be paid from the Capital Projects Fund with proceeds made available from the parking and admissions tax increases. No down payment is required at this location, but full payment will be required upon receipt of permits from USACE and OEPA for Section 404 and 401 permits.

Action Requested: It is requested that the proper legislation be prepared to allow the city manager to enter into an agreement with The Nature Conservancy through the Ohio Stream and Wetland In-Lieu Fee Mitigation Program to purchase 1.0 acres of non-forested and 0.4 acres of forested wetland mitigation credits for The Landing and that the

legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter to obtain permits and finalize design.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; S. Hastings, Law Director; M. Reeder, Finance Director



The Nature Conservancy in Ohio
6375 Riverside Drive, Suite 100
Dublin, OH 43017-5045

Office: (614)717-2770
www.nature.org/ohio

Ohio Stream and Wetland In-Lieu Fee Mitigation Program
LETTER OF CREDIT AVAILABILITY AND RESERVATION

March 19, 2024

Brian Loushin
Environmental Design Group
7965 N. High St, suite 050
Columbus, Ohio 43235

Re: The Landing

Dear Brian:

This letter confirms that The Nature Conservancy has wetland mitigation credits available for the City of Sandusky to purchase in the 04100011 8-digit HUC watershed (Sandusky). TNC will reserve 1 non forested and 0.4 forested wetland credits for the Purchaser in this watershed at a cost of \$68,000 per credit for a total of \$95,200. The reservation is valid for a period of 90 days from the date of this letter specifically for The Landing project. After that time, the Purchaser may request an extension of this reservation, but there is no guarantee of availability beyond this date. If TNC approves the extension, a new Letter of Credit Availability and Reservation will be issued.

This letter does not document payment for impacts. The Conservancy does not assume liability for the above mentioned impacts through this correspondence.

When the applicant is ready to submit payment for the above-mentioned credits, please submit the completed Final Credit Request Form and Conflict of Interest Disclosure Form, along with the payment written out to "Ohio Water Development Authority". Mail both the forms and the check to the Ohio Water Development Authority, Attn: Meg Cline, P.O. Box 73514, Cleveland, OH 44193; and email scanned copies to kevin.mcconnell@tnc.org.

Sincerely,

A handwritten signature in dark ink that reads "Kevin McConnell".

Kevin McConnell
Associate Director of Finance

CERTIFICATE OF FUNDS

In the Matter of: Streams & Wetlands Mitigation for Landing Project

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.

Account #431-6505-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 4/2/24

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 23-170, PASSED ON AUGUST 28, 2023, AND ORDINANCE NO. 24-007, PASSED ON JANUARY 8, 2024; AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR WETLANDS MITIGATION CREDITS WITH STREAMS + WETLANDS FOUNDATION FOR THE LANDING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission declared their support for The Landing Park Project by Resolution No. 005-18R, passed on January 22, 2018; and

WHEREAS, the City Commission authorized and directed the City Manager to enter into an agreement for professional design services with Environmental Design Group, LLC, of Akron, Ohio, to complete pathway alignments, final engineering, landscape architectural design, environmental permitting, and acquisition services for certain sections of the Landing Project by Ordinance No. 18-127, passed on June 25, 2018; and

WHEREAS, Environmental Design Group, LLC is in the process of pursuing various environmental permits, surveys, and approvals on behalf of the City in order to complete the next step of the Landing Project, including wetland delineation; and

WHEREAS, the wetland delineation was originally completed in 2018 and was updated in 2022, and there are a total of 51 acres of wetlands on the Landing site with 1.2 acres being permanently impacted, but there are no mitigation banks within the Sandusky River Watershed that would accommodate Category 3 coastal wetlands of these types; and

WHEREAS, the City Commission authorized the City Manager to enter into agreements for wetlands mitigation credits for the Landing Project with Streams + Wetlands Foundation for the Pearson Metroparks Mitigation Bank by Ordinance No. 23-169 and for the Grafton Swamp Wetlands Mitigation Bank as part of the Black-Rocky Umbrella Mitigation Bank by Ordinance No. 23-170, both passed on August 28, 2023; and

WHEREAS, the City Commission authorized the City Manager to enter into a First Amendment to the Agreement for wetlands mitigation credits for the Landing Project with Streams + Wetlands Foundation through the Grafton Swamp Wetlands mitigation Bank as part of the Black-Rocky Umbrella Mitigation Bank by Ordinance No. 24-007, passed on January 8, 2024, to reduce the credits that were no longer needed; and

WHEREAS, although the United States Army Corps of Engineers (USACE) approved the use of purchased credits from the Black-Rocky Umbrella Mitigation Bank Instrument (UMBI), the Ohio Environmental protection Agency (OEPA) would not allow this site as a comparable location since it was multiple watersheds away and therefore Ordinance Nos. 23-070 and 24-007 are being repealed; and

WHEREAS, the OEPA and USACE agree that one (1) non-forested and 0.4 forested wetlands credits from The Nature Conservancy through the Ohio Stream

and Wetland In-Lieu Fee Mitigation Program will fulfill the needs of the project; and

WHEREAS, the total cost of the wetland mitigation credits is not to exceed \$95,200.00 and will be paid with Capital Projects 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 obtains permits and finalize design; 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 hereby repeals Ordinance No. 23-170, passed on August 28, 2023, and Ordinance No. 24-007, passed on January 8, 2024.

Section 2. The City Manager is authorized and directed to enter into an agreement with The Nature Conservancy, for the purchase of wetland mitigation credits, in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance, at an amount **not to exceed** Ninety-Five Thousand Two Hundred and 00/100 Dollars (\$95,200.00).

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: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

**Ohio Stream and Wetland In-Lieu Fee Mitigation Program
Mitigation Credit Purchase Agreement**



The Nature Conservancy (TNC) operates the Ohio Stream and Wetland In-Lieu Fee Mitigation Program (the "Program") which is an In-Lieu Fee Mitigation Program approved to sell stream and wetland credits throughout the state of Ohio. The City of Sandusky (Purchaser) desires to purchase credits from the Program for The Landing Project (Corps ID No. LRB 2018 01159). In so doing, Purchaser hereby agrees to the following terms and conditions:

1. **PURCHASE PRICE:** Purchaser shall, subject to the terms and conditions hereinafter provided, pay to TNC the price per credit set forth in the "Letter of Credit Availability and Reservation" (the "Reservation Letter"). If a Reservation Letter was not received by Purchaser within the last one hundred (100) days, the Purchaser shall contact TNC for confirmation of the Purchase Price. The Purchase Price shall be paid in the following manner:
 - A. Upon signing and delivery of this Form and Agreement, together with the attached completed and signed Disclosure form evidencing no conflicts of interest, Purchaser will submit payment in full of the Purchase Price to TNC.
 - B. Payment should be in immediately available funds in the form of a cashier's check or certified check payable to the 'Ohio Water Development Authority'. If payment is by check not in the form of a cashier's check or certified check, payment shall not be deemed to have been made until the check has cleared.
2. **CREDIT SALE COMPLETION REQUIREMENTS:** The sale of credits identified in the Final Credit Request Form shall be deemed to have occurred upon the completion of ALL of the following requirements: (i) payment in full of the Purchase Price by Purchaser in accordance with the above terms, and (ii) issuance of a Payment Voucher by TNC to Purchaser. Payments for the purchase of credits from the Program are not tax deductible contributions.
3. **NO ENDORSEMENT:** TNC plays no role in the Corps' or OEPA's decision to approve or deny a permit or whether mitigation is a necessary condition of any such permit or whether the permitted activity complies with laws, rules or regulations. Further, provision of any credits by TNC under this Program shall in no event be construed as an endorsement or support for the permitted activity.
4. **NON-REFUNDABLE:** The purchase of mitigation credits is non-refundable.
5. **NO USE OF TNC NAME/LOGO:** Purchaser may not use TNC's name or logo in any way without prior written consent from TNC, except to the extent necessary to comply with legal or contractual requirements to specify the source of the purchase of credits.
6. **CONFLICT OF INTEREST DETERMINATION.** Purchaser represents that to the best of its knowledge the information it has provided on TNC's Disclosure Form attached hereto is true and correct, and that Purchaser does not have any conflicts of interest with TNC. Purchaser shall promptly notify TNC writing if there is any change in that information prior to completion of the sale. If a conflict of interest is determined by TNC or arises, then, at TNC's election, any credit reservation or pending credit sale may be terminated without further recourse to the parties.

The Nature Conservancy

By: _____ Date: _____
Bill Stanley, Ohio State Director

The Nature Conservancy
Ohio Stream and Wetland In-Lieu Fee Mitigation Program



Final Credit Request Form

Contact information	Purchaser's Name		City of Sandusky (Attn: Aaron Klein)			
	Address		240 Columbus Ave, Sandusky, OH 44870			
	Consultant's Name		Environmental Design Group			
	Consultant Project Lead		Brian Loushin			
	Address		7965 N High St, suite 050, Columbus, OH 43235			
	Phone Number		614-812-4255			
	Email		bloushin@envdesigngroup.com			
Project Information	Project Name		The Landing			
	Corps ID No. (if applicable)		LRB 2018 01159			
	Water Quality Certification No. (if applicable)		OEPA ID #238749A1			
	Latitude/Longitude		41.4363°, -82.6546°			
	8-digit HUC		04100011			
Impacts	Stream (linear feet)		Ephemeral 0	Intermittent 0	Perennial 0	Total 0
	404 Wetlands (acres)		Category 1	Category 2	Category 3	Total
		Forested	0	0	0.393	0.393
	Isolated Wetlands (acres)	Nonforested	0	0	0.966	0.966
		Forested	0	0	0	0
		Nonforested	0	0	0	0
Mitigation Credits Required	Stream Credits					
	Wetland Credits/Type		1.0 acre emergent credits 0.4 acre forested credits			
	Total Purchase Amount (\$)		\$95,200			

By Purchaser's signature, Purchaser agrees to all the terms and provisions of the Purchase Agreement on the back of this form.

[PURCHASER]		[PURCHASER'S CONSULTING FIRM]	
Signature:		Signature:	
Print:	Date:	Print:	Date:

Please send form and payment to: the Ohio Water Development Authority, Attn: Meg Cline; P.O. Box 73514, Cleveland, OH 44193; and email scanned copies to kevin.mcconnell@tnc.org



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron Klein, Director of Public Works

Date: March 29, 2024

Subject: **Commission Agenda Item – Award the Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan to Leach Excavating of Olmsted Township, Ohio**

ITEM FOR CONSIDERATION: Requesting legislation approving a contract with Leach Excavating of Olmsted Township, Ohio for the Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan.

BACKGROUND INFORMATION: The Causeway Wetlands has accepted materials from the federal navigation channel via two dredging projects managed by the Army Corps of Engineers (Corps) in 2022 and 2023. The north cell is near capacity while the south cell may have limited capacity for a partial dredge cycle in 2025. Staff is working with the State of Ohio to utilize grant funds to spread a native seed mix over the north cell prior to April 30, 2024, in hopes of establishing native vegetation at the onset of the growing season.

The following bids were received Thursday, March 28, 2024, at a formal public bid opening:

Littoral Services, LLC Marblehead, Ohio	\$49,360.00 100% Bond
Deitering Landscaping, Inc. Leipsic, Ohio	\$49,506.00 100% Bond
Leach Excavating Olmsted Township, Ohio	\$48,208.00 100% Bond
Davey Resource Group, Inc. Kent, Ohio	\$68,378.00 100% Bond
Barnes Nursery, Inc. Huron, Ohio	\$64,512.00 100% Bond

After reviewing the bids, Leach Excavating of Olmsted Township, Ohio provided a complete bid and is determined to be lowest and best. The project has an Engineer's Estimate of \$52,250.00.

BUDGETARY INFORMATION: The contract shall not exceed Forty-Eight Thousand, Two Hundred and Eight Dollars (\$48,208.00), which shall be paid with grant funds approved in an agreement with the State of Ohio (DNRSHLE07) via ordinance 21-092. No City funding will be incorporated into this project.

ACTION REQUESTED: It is recommended that legislation be prepared to award a contract to Leach Excavating of Olmsted Township, Ohio in an amount no to exceed \$48,208.00 for the Cedar Point Causeway Wetlands 2024 Seeding Plan and that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter to complete activities prior to April 30, 2024.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers Commission Clerk; M. Reeder, Finance Director; S. Hastings Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LEACH EXCAVATING OF OLMSTED TOWNSHIP, OHIO, FOR THE CEDAR POINT CAUSEWAY WETLANDS 2024 TEMPORARY SEEDING PLAN PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City accepted grant funds in the amount of \$100,000.00 from the Ohio Department of Natural Resources through the Healthy Lake Erie Grant Program, in cooperation with the Ohio Environmental Protection Agency, for the Cedar Point Causeway Wetland Project – Phase 1 related to the Sandusky Bay Initiative by Ordinance No. 21-092, passed on June 14, 2021; and

WHEREAS, the Causeway Wetlands has accepted materials from the federal navigation channel via two (2) dredging projects managed by the Army Corps of Engineers (Corps) in 2022 and 2023, and since the success of the wetlands is predicated on establishment of native species for wildlife habitat, it is important to establish native vegetation prior to the growth of invasive species; and

WHEREAS, City Staff is working with the State of Ohio to utilize grant funds and this Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan Project involves spreading a native seed mix over the north cell prior to April 30, 2024, in hopes of establishing native vegetation at the onset of the growing season; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan Project by Resolution No. 014-24R, passed on March 11, 2024; and

WHEREAS, upon public competitive bidding as required by law five (5) appropriate bids were received and the bid from Leach Excavating of Olmsted Township, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total contract cost of this project is \$48,208.00 and will be paid with funds received from the Ohio Department of Natural Resources through the Healthy Lake Erie Grant Program; 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 complete the project prior to April 30, 2024; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Leach Excavating of Olmsted Township, Ohio, for the Cedar Point Causeway Wetlands 2024 Temporary Seeding Plan in an amount **not to exceed** Forty-Eight Thousand Two Hundred Eight and 00/100 Dollars (\$48,208.00) consistent with the bid submitted by S Leach Excavating of Olmsted Township, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Joshua R. Snyder, P.E., Public Works Engineer

Date: March 25, 2024

Subject: **Commission Agenda Item – Award a Contract to Erie Blacktop of Sandusky, Ohio for the 2024 Local Street Resurfacing Project**

ITEM FOR CONSIDERATION: Legislation awarding a contract to Erie Blacktop of Sandusky for the 2024 Local Street Resurfacing Project.

BACKGROUND INFORMATION: Legislation was presented at the February 26, 2024, City Commission meeting requesting permission to proceed with the 2024 Local Street Resurfacing Project (Resolution 009-24R). This project addresses many of the worst street sections in the City based on a variety of factors, such as: updated street survey data compiled in 2023, age of existing asphalt surface, local roads, traffic volumes, recent neighborhood, and park improvements, completed or planned capital improvements, existing planning documents, Street Department employee feedback, complaints, etc. Staff has finalized the selection of 43 street segments totaling 4.1 centerline miles of streets.

As “Bid B” to this paving project staff will be adding the milling and paving of the asphalt portion of the Service Center Parking lot off Cement Ave. Work here totals about 4200 Square Yards and will require about 350 tons of asphalt (Exhibit “B”). This lot is busy with service vehicles and residents utilizing the recycling bins. Its last paving was likely 2001, prior to the City occupying the building. Bidding this paving together with the larger asphalt project will save money on mobilization and bonding rather than bidding it out as a separate project.

The following bids were received on Friday, March 22, 2024, at a formal public bid opening:

Erie Blacktop Inc. Sandusky, Ohio 100% Bid Bond	Bid A	\$1,051,939.04
	Bid B	\$53,203.62
	Total Base	\$1,105,142.66
	Alt. Bid X	\$78,915.15
	Alt. Bid Y	\$99,200.00
	Alt. Bid Z	\$86,934.25
	A+B+Z	\$1,192,076.91
Precision Paving Inc. Milan, Ohio 100% Bid Bond	Bid A	\$1,123,447.21
	Bid B	\$50,996.94
	Total Base	\$1,174,444.15
	Alt. Bid X	\$80,937.34
	Alt. Bid Y	\$98,400.00
	Alt. Bid Z	\$87,639.50
	A+B+Z	\$1,262,083.65

The engineer's estimate for the base bids was \$1,217,521.26 with a completion date of July 3, 2024. Local preference does not play into the project's bid award determination, as federal funding is paying for this project.

Due to favorable pricing, staff is recommending awarding Base Bid A and B, as well as Alternate Z to Erie Blacktop, Inc., as the lowest and best bidder. This will maximize the amount of streets getting paved; adding 5 blocks (.33 miles) to the base bid of 43 blocks (4.1 miles). This gives us a total of 48 blocks and 4.4 miles of roads resurfaced with this project.

BUDGETARY INFORMATION: The total contract price shall not exceed \$1,192,076.91 and shall be split with \$1,167,714.28 American Rescue Plan Act (ARPA) Stimulus Funds and \$24,362.63 Capital Projects Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared awarding a contract to Erie Blacktop, Inc. for the 2024 Local Street Resurfacing Project in an amount not to exceed \$1,192,076.91 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 execution of the contract and issuance of a notice to proceed immediately, so work can be completed prior to the completion date of July 3, 2024.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein, P.E.
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; B. Heil, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Local Resurfacing Project-2024

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.

Account #240-0000-53000, 431-6503-53000

By: 

Michelle Reeder

Finance Director

Dated: 3/26/24

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ERIE BLACKTOP, INC., OF SANDUSKY, OHIO, FOR THE 2024 LOCAL STREET RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2024 Local Street Resurfacing Project involves the resurfacing with asphalt overlay of many of the worst street segments in the City, based on a variety of factors, such as: street survey data compiled in 2023, age of existing asphalt surface, local roads, traffic volumes, recent neighborhood and park improvements, completed or planned capital improvements, existing planning documents, Street employee feedback, complaints, etc., and encompasses 43 street segments totaling 4.1 centerline miles of road (Bid A), and depending on the condition of the street, the work may include milling and possibly excavation to address structural problems in the pavement; and

WHEREAS, this project also included a separate bid (Bid B) for the milling and paving of the asphalt portion of the Service Center Parking lot off Cement Avenue consisting of about 4,200 Square Yards and will require about 350 tons of asphalt; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed 2024 Local Street Resurfacing Project by Resolution No. 009-24R, passed on February 26, 2024; and

WHEREAS, upon public competitive bidding as required by law two (2) appropriate bids were received and the bid from Erie Blacktop, Inc., of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, due to favorable pricing, Staff is recommending awarding Base Bids A and B, as well as Alternate Bids Z for an additional 5 blocks (.33 miles) which will provide for a total of 48 blocks and 4.4 miles of roads to be resurfaced with this project; and

WHEREAS, the total construction cost of this project is \$1,192,076.91 of which \$1,167,714.28 will be paid with American Rescue Plan Act (ARPA) Stimulus Funds and the remaining balance of \$24,362.63 will be paid with Capital Projects 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 execute the contract and issue a notice to proceed immediately so the work can be completed prior to the completion date of July 3, 2024; and

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

immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to enter into a contract with Erie Blacktop, Inc., of Sandusky, Ohio, for the 2024 Local Street Resurfacing Project in an amount **not to exceed** One Million One Hundred Ninety-Two Thousand Seventy-Six and 91/100 Dollars (\$1,192,076.91) consistent with the bid submitted by Erie Blacktop, Inc., of Sandusky, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Megan Stookey, Project Manager

Date: March 26, 2024

Subject: Commission Agenda Item – Award the 2024 Sidewalk Repair, Replacement & Grinding Project, Contract A to The Kreimes Co. Inc., of Sandusky, Ohio

ITEM FOR CONSIDERATION: Legislation awarding a contract to The Kreimes Co. Inc., of Sandusky, Ohio for the 2024 Sidewalk Repair, Replacement & Grinding Project, Contract A.

BACKGROUND INFORMATION: Legislation was presented at the February 26, 2024, City Commission meeting requesting permission to proceed with the 2024 Sidewalk Repair, Replacement & Grinding Project, Contract A (Resolution 010-24R). This year's project will include over 4,771 square feet of residential sidewalk replacement, 80 lineal feet of sidewalk grinding and the removal of fourteen overgrown trees within the boulevard, as well as replacement of 1,772 square feet of sidewalk within Washington Park, with an Engineer's Estimate of \$101,133.75. As part of our residential replacement project, we have added concrete work to this project that needs to be completed at Fire Station No. 3 with an engineer's estimate of \$23,540.96.

The entire 2024 Sidewalk Repair, Replacement & Grinding Project, Contract A has an Engineer's Estimate of \$124,674.71 and a completion date of July 3, 2024.

The following bids were received Thursday, March 21, 2024, at a formal public bid opening:

The Kreimes Co. Inc., Sandusky, Ohio	Base Bid	\$117,545.85
	Letter of Credit	
MCU, LLC Ashland, Ohio	Base Bid	\$158,385.25
	100% Bond	
Smith Paving & Excavating, Inc. Norwalk, Ohio	Base Bid	\$125,210.00
	100% Bond	
D.L. Smith Concrete, LLC Norwalk, Ohio	Base Bid	\$120,584.65
	100% Bid Bond	

BUDGETARY INFORMATION: The total contract price shall not exceed \$117,545.85 which shall be paid for with \$94,687.85 Capital Projects Funds (Issue 8 Infrastructure), and \$22,858.00 from the Fire Department's operating budget.

ACTION REQUESTED: It is recommended that proper legislation be prepared awarding a contract to The Kreimes Co. Inc. of Sandusky, Ohio for the 2024 Sidewalk Repair, Replacement & Grinding Project, Contract A in an amount not to exceed \$117,545.85 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 execution of the contract and issuance of a notice to proceed immediately, so work can be completed prior to the completion date of July 3, 2024.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Kreimes Company- Sidewalk Award

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.

Account #431-6200-55990, 110-1310-54000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 3/26/24

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE KREIMES CO. INC., OF SANDUSKY, OHIO, FOR THE 2024 SIDEWALK REPAIR, REPLACEMENT & GRINDING PROJECT - CONTRACT A; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2024 Sidewalk Repair, Replacement & Grinding Project – Contract A consists of over 4,771 square feet of residential sidewalk replacement, 80 lineal feet of sidewalk grinding and removal of fourteen (14) overgrown trees within the boulevard, replacement of 1,772 square feet of sidewalk within Washington Park as well as concrete work at Fire Station #3; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2024 Sidewalk Repair, Replacement & Grinding Project – Contract A by Resolution No. 010-24R, passed on February 26, 2024; and

WHEREAS, upon public competitive bidding as required by law four (4) appropriate bids were received and the bid from The Kreimes Co. Inc., of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost of this project is \$117,545.85 of which \$94,687.85 will be paid with Capital Projects Funds and \$22,858.00 will be paid with funds from the Fire Department's operating budget; 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 contract and issue a notice to proceed immediately so the work can be completed prior to the completion date of July 3, 2024; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with The Kreimes Co. Inc., of Sandusky, Ohio, for the 2024 Sidewalk Repair, Replacement & Grinding Project - Contract A in an amount **not to exceed** One Hundred Seventeen Thousand Five Hundred Forty-Five and 85/100 Dollars (\$117,545.85) consistent with the bid submitted by The Kreimes Co. Inc., of Sandusky, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Megan Stookey, Project Manager

Date: March 26, 2024

Subject: Commission Agenda Item – Awarding a Contract to Gundlach Sheet Metal Works, Inc. of Sandusky for the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center

ITEM FOR CONSIDERATION: Requesting legislation awarding a contract to Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio for the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center project.

BACKGROUND INFORMATION: Legislation was presented at the November 27, 2023, City Commission meeting requesting permission to accept bids on the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center project. (Resolution No. 052-23R)

City Building Maintenance crews have found that the original condensing units that were installed during the time of renovation of the facility in 1999 have exceeded their useful life, as one of them is no longer working and the second one is on its way out and service companies will no longer work on it. Throughout the years staff performed routine maintenance on the units and brought in vendors to make repairs and fill the freon. When researching what to do with the condenser units, it was discovered that the control units in the facility have passed their useful life and would not be compatible with a new system.

The originally installed condensing units from the 1999 renovation of the building have exceeded their useful life and need immediate replacement. City staff have prepared specifications for the replacement of two units with one energy efficient unit and installation of new terminal controls. The work has an Engineer's Estimate of \$126,400.00 and completion date of March 31, 2025.

The following bid was received on Thursday, March 14, 2024, at a formal bid opening:

Bayes Inc.	\$132,834.00
Perrysburg, OH	
100% Bid Bond	

Gundlach Sheet Metal Works, Inc.	\$123,100.00
Sandusky, OH	
100% Bid Bond	

A completion date is set on March 31, 2025, as manufacturing times for units have been around six to nine months, with additional time for shipping, we feel confident the completion date can be met.

BUDGETARY INFORMATION: The construction cost shall not exceed \$123,100.00, which shall be paid with American Structure Plan Act (ARPA) Stimulus Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared authorizing the City Manager to enter into a Contract with Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio in an amount not to exceed \$123,100.00 for the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center Project. It is requested that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow for bidding to take place immediately after approval, allowing the awarding contractor ample time to place the order on the units so manufacturing can begin to meet the March 31, 2025 completion date.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Gundlach-Replace two condensing units

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.

Account #240-0000-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 3/22/24

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GUNDLACH SHEET METAL WORKS, INC. OF SANDUSKY, OHIO, FOR THE 2024 REPLACEMENT OF TWO CONDENSING UNITS AND INSTALLATION OF CONTROL UNITS FOR THE CITY OF SANDUSKY SERVICE CENTER PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, City Building Maintenance crews found that the original condensing units at the Service Center that were installed during renovation of the facility in 1999 have exceeded their useful life, as one of them is no longer working and the second one is declining, and service companies will no longer work on the units; and

WHEREAS, it was also discovered that the control units in the facility are passed their useful life and would not be compatible with a new condensing unit system; and

WHEREAS, the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center Project involves the replacement of two (2) condensing units and control units at the City's Service Center; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center Project by Resolution No. 052-23R, passed on November 27, 2023; and

WHEREAS, upon public competitive bidding as required by law two (2) appropriate bids were received and the bid from Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost of this project is \$123,100.00 and will be paid with American Rescue Plan Act (ARPA) Stimulus 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 bid and award the project to allow the contractor ample time to order the units, as manufacturing is estimated to be six to nine months with additional time for shipping, and to meet the completion deadline of March 31, 2025; and

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

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

THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, for the 2024 Replacement of Two Condensing Units and Installation of Control Units for the City of Sandusky Service Center Project in an amount **not to exceed** One Hundred Twenty-Three Thousand One Hundred and 00/100 Dollars (\$123,100.00) consistent with the bid submitted by Gundlach Sheet Metal Works, Inc. of Sandusky, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024



COMMUNITY DEVELOPMENT

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

To: John Orzech, City Manager

From: Arin Blair, Chief Planner

Date: March 26, 2024

Subject: **Commission Agenda Item – Agreement with Buckeye Community Twenty Two, LP for public parking access at 202 W Market Street.**

ITEM FOR CONSIDERATION: Lease agreement with Buckeye Community Twenty Two, LP for utilization of their privately held parking lot for public parking for the duration of the Columbus Avenue Reconstruction and Streetscape project, September 1, 2024 through April 30, 2025.

BACKGROUND INFORMATION: Public parking has been an area of concern and conversation in the community regarding the upcoming construction of the Columbus Avenue Reconstruction and Streetscape project. Based on direction from the City Commission to obtain public access agreements with private parking area landowners, terms for an agreement were reached to utilize a portion of the surface parking lot at 202 West Market Street for public parking spaces for customers during the construction of the project.

The terms of the lease agreement include:

- Retention of the 8 closest parking spaces to the building for private use only
- Access to the rest of the parking lot for public parking from September 1, 2024 until April 30, 2025
- Ability to place signage identifying the non-reserved spaces as public parking

The staff's intention for the lot is to place signage for the spaces as *Public Parking for Customers of Columbus Avenue Businesses*.

BUDGETARY INFORMATION: There is no financial obligation from the city to execute the lease agreement.

ACTION REQUESTED: It is requested that City Commission authorize the City Manager to enter into Parking Lot Lease Agreement with Buckeye Community Twenty Two, LP for public parking at 202 W. Market Street during the construction phase of the Columbus Avenue Reconstruction and Streetscape Project for the period of September 1, 2024, through April 30, 2025. It is further requested that the legislation be passed as an emergency in accordance with Section 14 of the City Charter in order to approve the terms and execute the Lease Agreement prior to April 12, 2024, as requested by Buckeye Community Twenty Two, LP.

I concur with this recommendation.

John Orzech, City Manager

Colleen Gilson, Community Development Director

Cc: Cathy Myers, Clerk of City Commission
Michelle Reeder, Finance Director
Stewart Hastings, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A PARKING LOT LEASE AGREEMENT WITH BUCKEYE COMMUNITY TWENTY TWO, LP, FOR THE USE OF PARKING SPACES AT 202 WEST MARKET STREET DURING THE CONSTRUCTION OF THE COLUMBUS AVENUE RECONSTRUCTION AND STREETScape PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Columbus Avenue Reconstruction and Streetscape Project by Resolution No. 015-24R, passed on March 11, 2024; and

WHEREAS, at the direction of City Commission to obtain public access to private parking as it has been an area of concern in the community regarding the Columbus Avenue Reconstruction and Streetscape Project, an agreement was reached with Buckeye Community Twenty Two, LP to utilize a portion of the parking lot at 202 West Market Street during the construction phase of the project; and

WHEREAS, the Lease Agreement will allow public access to the parking lot with the exception of eight (8) parking spaces reserved for Buckeye Community Twenty Two, LP, beginning on September 1, 2024 through April 30, 2025, at no cost to the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to approve the terms and execute the Lease Agreement prior to April 12, 2024, as requested by Buckeye Community Twenty Two, LP; and

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

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

Section 1. The City Manager is authorized and directed to enter into a Parking Lot Lease Agreement with Buckeye Community Twenty Two, LP, for the use of parking spaces at 202 West Market Steet during the construction of the Columbus Avenue Reconstruction and Streetscape Project for the period of September 1, 2024, through April 30, 2025, substantially in the same form as

Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: April 9, 2024

PARKING LOT LEASE

THIS PARKING LOT LEASE ("Lease") is made effective as of March 12, 2024 (the "Effective Date") by and between Buckeye Community Twenty Two, LP, an Ohio limited partnership ("Lessor"), and the City of Sandusky, Ohio, an Ohio municipal corporation ("Lessee"). Lessor and Lessee are collectively referred to herein as the "Parties".

WHEREAS, in order to provide for the public good and to temporarily replace parking spaces occupied by construction, Lessee desires to lease, and Lessor desires to lease to Lessee, up to eighteen (18) parking spaces on the real property described on Exhibit A attached hereto and incorporated herein by reference (the "Premises").

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term**. The term of the Lease shall be from September 1, 2024 until April 30, 2025.
2. **Premises**. The eight (8) closest parking spaces near the entrance to the adjacent building are reserved spaces and not available for use other than by Lessor (the "Reserve Spaces"). The remaining Spaces are available to Lessee to use as public parking accessible without charge.
3. **Use of Premises**. The Premises shall be used exclusively as a parking lot. Lessee's use and occupation of the Premises shall be consistent with: (i) the covenants and easement and all other matters of records as of the date of this Lease; and (ii) all present and enacted laws, ordinances and regulations, including environmental regulations, of any governmental authority having jurisdiction over the Premises. In addition, Lessee shall have the right during the term of this lease to place signage identifying the non-reserved spaces as public parking.
4. **Rent**. Provided that Lessee complies with the terms of the Lease, Lessor shall not charge Lessee rent for use of the Premises during the term of the Lease.
5. **Default**. Failure to perform according to the terms of this Lease shall constitute a default.
6. **Remedies for Default**. In the event of default by Lessee and failure to cure such default by the specified date after notice as provided for herein, Lessee's right to enter the Premises shall cease, this Lease shall be terminated, and the Parties shall have no further rights, duties or obligations hereunder, except for those obligations which are expressly stated to survive termination. Lessor may then re-enter and take possession of the Premises or any part thereof, repossess the same, expel Lessee and those claiming through or under Lessee, and remove the effects of both or either (forcibly, if necessary) without being deemed guilty of any manner of trespass.
7. **Holding Over**. Lessee shall not use or remain in possession of the Premises after the expiration or sooner termination of this Lease. Any holding over, or continued use or occupancy by Lessee after the termination of this Lease, without the written consent of Lessor, shall not constitute a tenant-at-will interest on behalf of Lessee, but Lessee shall become a tenant-at-

sufferance. There shall be no renewal whatsoever of this Lease by operation of Law. The Lease may only be renewed by a writing signed by both Parties.

8. Insurance.

- a. Policies. Lessee will, at Lessee's own expense, procure and maintain during the term of the Lease, the following insurance policies covering the Premises. Such insurance shall not be altered or cancelled without thirty (30) days' written notice to Lessor; .
 - i. Comprehensive general liability insurance with minimum combined single limits of One Million Dollars (\$1,000,000.00) each occurrence and Two Million Dollars (\$2,000,000.00) aggregate. The general liability policy shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), and blanket contractual, independent contractors, products and completed operations;
 - ii. Workers' Compensation Insurance as required by the Laws of the State. Lessee shall require all subcontractors performing work under this Lease to obtain an insurance certificate showing proof of Workers' Compensation and Employer's Liability Insurance;
- b. Certificates. Upon the commencement of this Lease, Lessee shall furnish to Lessor insurance certificates or, if requested by Lessor, certified copies of policies, evidencing all insurance required to be carried by Lessee in accordance with the Lease.

9. Assignment. Lessee may not assign this Lease without the prior express written consent of Lessor.

10. Sublease. Lessee may not sublease the Premises without the express written consent of Lessor.

11. Limitation of Lessor's Liability. If Lessor sells, assigns, or otherwise transfers (whether by operation of Law or otherwise) all or part of its interests in the Premises or this Lease: (a) Lessor shall be relieved of all obligations and Liabilities of Lessor under this Lease accruing after the effective date of such transfer; and (ii) the transferee shall be deemed to have assumed all of Lessor's obligations and Liabilities under this Lease effective from and after the effective date of the transfer. Lessor, its partners, members, officers, directors, employee, and principals, whether disclosed or undisclosed, shall have no personal liability under or in connection with this Lease. Lessee agrees that it shall look solely to Lessor's interest in the Premises and this Lease for the satisfaction of Lessee's remedies or to collect any judgment requiring payment of any money by Lessor.

12. Severability. In the event any provision, or any portion of any provision of this Lease is held invalid, the other provisions of this Lease and the remaining portion of said provision, shall not be affected thereby and shall continue in full force and effect.

13. **Time Is of the Essence.** All time limits stated in this Lease are of the essence of this Lease.

14. **Entire Agreement.** The making, execution, and delivery of this Lease by Lessee has not been induced by any representations, statements, covenants, or warranties by Lessor except for those contained in this Lease. This Lease constitutes the full, complete, and entire agreement between and among the parties hereto; no agent, employee, officer, representative, or attorney of the parties hereto has authority to make, or has made, any statement, agreement, representation, or contemporaneous agreement, oral or written, in connection herewith modifying, adding to, or changing the provisions of this Lease. No amendment of this Lease shall be binding unless such amendment shall be in writing, signed by both parties hereto and attached to, incorporated in and by reference made a part of this Lease.

15. **No Agency.** Nothing in this Lease is intended, or shall in any way be construed, so as to create any form of partnership or agency relationship between the parties. The Parties hereby expressly disclaim any intention of any kind to create any partnership or agency relationship between themselves. Nothing in this Lease shall be construed to make either party liable for any of the indebtedness of the other, except as specifically provided in this Lease.

16. **Notices.** Any notice or demand required or permitted to be given will be deemed received when hand-delivered, or three (3) days after when mailed by certified mail, postage prepaid, addressed to the party to receive it at the address below, or at any other address or addresses which the receiving party has designated in writing.

If to Lessor:

Steven J. Boone
Buckeye Community Twenty Two, LP
3021 E. Dublin Granville Road
Columbus, OH 43231

If to Lessee:

John Orzech
City of Sandusky
240 Columbus Avenue
Sandusky, OH 44870

17. **Counterparts.** This Lease may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

(Remainder of this page intentionally left blank – Signature page follows)

Executed as of the Effective Date.

LESSOR:

BUCKEYE COMMUNITY TWENTY TWO, LP

By: _____
Name: _____
Its: _____

LESSEE:

CITY OF SANDUSKY, OHIO

By: _____
Name: John Orzech
Its: City Manager

This Instrument prepared by:

Joshua S. Peterson, Attorney at Law
Carpenter Lipps LLP
280 N. High St., Suite 1300
Columbus, OH 43215

EXHIBIT A

Legal Description

Situated in the City of Sandusky, County of Erie and State of Ohio, part of lots 8 & 10 Jackson Street, part of lots 7 & 9 Columbus Avenue, in the original town plat, First Ward, being described as follows:

Commencing at a pk nail set in the intersection of the centerline of Market Street (82.50 feet wide) and with the centerline intersection of Jackson Street (82.50 feet wide); Thence North $65^{\circ} 39' 22''$ East along the centerline of said Market Street a distance of 224.87 feet to a point; Thence South $24^{\circ} 11' 38''$ East a distance of 41.25 feet to a drill hole set in the southerly right of way line of Market Street at the northwesterly corner of land conveyed to Rose & William D'Agostino as recorded in RN 200409414, Erie County Deed Records, said drill hole being the place of beginning:

- (1.) Thence South $24^{\circ} 11' 38''$ East along the easterly line of Rose & William D'Agostino a distance of 6.70 feet to a drill hole set;
- (2.) Thence South $65^{\circ} 39' 22''$ West along a southwesterly line of Rose & William D'Agostino a distance of 1.30 feet to a drill hole set;
- (3.) Thence South $24^{\circ} 11' 38''$ East along the easterly line of said Rose & William D'Agostino a distance of 70.92 feet to a drill hole set;
- (4.) Thence South $65^{\circ} 39' 22''$ West along a southwesterly line of said Rose & William D'Agostino a distance of 2.40 feet to a drill hole found;
- (5.) Thence South $24^{\circ} 11' 38''$ East along the easterly line of said Rose & William D'Agostino a distance of 56.06 feet to a pk nail found at the northwesterly corner of land conveyed to the First Federal of Lorain, as recorded in OR 43, PG 792-793, Erie County Deed Records;
- (6.) Thence North $65^{\circ} 46' 52''$ East along the northeasterly line of said First Federal of Lorain a distance of 64.00 feet to a pk nail found in the westerly line of land conveyed to Erie County Commissioners of Erie County as recorded in OR 331, PG 534, Erie County Deed Records;
- (7.) Thence North $24^{\circ} 19' 21''$ West along the westerly line of said Erie County Commissioners of Erie County a distance of 133.81 feet to a drill hole set in the southerly right of way line of Market Street;
- (8.) Thence South $65^{\circ} 39' 22''$ West along said southerly right of way line of Market Street a distance of 60.00 feet to the place of beginning, containing 0.1916 acre more or less, but subject to all legal highways, easements and restrictions of record. *new*

Bearings are assumed for the purpose of indicating angles only. The above description was prepared from an actual survey made by me in August 2004.

Rudy O. Hartung P.S. # 8164