

**Sylvania City Council**  
April 20, 2015

**7:00 p.m. Utilities Committee Meeting**  
Ditch/Drains Maintenance Assessment

**7:15 p.m. Public Hearing**  
ZA-2-2015, Zoning Change- R-2 to R-1, 5363 Silica Dr.

**7:30 p.m. Council Meeting**  
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Mishka, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Haynam.
3. Additions to the agenda.
4. Approval of the meeting minutes of April 6, 2015.
5. Report on Public Hearing:
  - a. 7:00 p.m., ZA-2-2015, Zoning Change, 5363 Silica Dr.
6. Erie Street Waterline Replacement Project.
  - a. Service Director's report on easements – 7240 Erie Street.
  - b. Proposed Ordinance 20-2015, Accepting from First Congregational Church of Christ utility and temporary construction easements.
7. Service Director's Report on Erie Street Waterline Replacement Project; and authorize the clerk to advertise for bids.
8. Proposed Ordinance 21-2015, Authorizing the donation of L-3 Mobile Vision Equipment to the Cuyahoga Falls Police Department.
9. Proposed Ordinance 22-2015 Authorizing the donation of used Power Wheel Type Electric Cars to Sylvania Area Family Services.
10. Proposed Ordinance 23-2015, Accepting for annexation to the City described in Annexation Petition No. 2014-4.

11. Proposed Ordinance 24-2015, Accepting for annexation to the City described in Annexation Petition No. 2014-5.
12. Proposed Ordinance 25-2015 to enter into an amendment for the Work Release CAD Program Agreement.
13. Proposed Ordinance 26-2015, Accepting from First Baptist Church of Sylvania, a Corporation Warranty Deed for property at 4815, 4821, 4827 Holland-Sylvania.
14. Proposed Ordinance 18-2014, Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removed shade trees in and along the streets and within public Right-of-Way of the City of Sylvania.
15. Sylvania Historical Village Trustee appointments presented by Sandy Husman.
16. Committee reports.
  - a. Utilities Committee Report from 7:00p.m.
17. Committee referrals.

#### **INFORMATION**

- A. Certificate of Notice for ZA-2-2015.
- B. Board of Architectural Review minutes from April 15, 2015.
- C. Municipal Planning Commission minutes from April 15, 2015.

Minutes of the Meeting of Council  
April 6, 2015

The Council of the City of Sylvania, Ohio met in regular session on April 6, 2015 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Jason Mishka, Mary Westphal (7) present; (0) absent.

Roll call:  
Cappellini,  
absent; excused.

Mr. Frye led the Pledge of Allegiance to the United States of America.

Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

Additions to the  
agenda.

- 5a. Proposed Ordinance 4-2015.
- 5b. Proposed Ordinance 17-2015.

Mr. Haynam moved, Mrs. Westphal seconded to approve the agenda as amended; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 4.

Mrs. Westphal presented the March 16, 2015 minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of March 16, 2015 be approved; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Frye, (6) yeas; (0) nays. The motion carried.

Approval of the  
March 16  
minutes.

Mayor Stough stated that Council will now consider agenda item 5.

Mrs. Westphal reported on the Public Hearing from 7:00 p.m. regarding proposed Ordinance 4-2015, Charitable Donation Containers. Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 4-2015, a written copy of same having been previously furnished to each member of Council, " Approving the recommendation of the Sylvania Municipal Plan Commission by amending the Codified Ordinances of Sylvania, 1979, as amended, by creating Chapter 1167 – Charitable Donation Containers, to register donation containers that are placed in open spaces and on private property and a penalty for violation; and declaring an emergency."; Mr. Haynam moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No.  
4-2015,  
Charitable  
Donation  
Containers.

Minutes of the Meeting of Council  
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Mr. Haynam moved, Mrs. Westphal seconded, that Ordinance No. 4-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Mrs. Westphal reported on the Public Hearing from 7:15 p.m. regarding ZA-1-2015, Zoning Change request from Pisciotta Family Trust for property located at 5649 W. Alexis, 5651 W. Alexis, and 5655 W. Alexis Road from M-1 "Light Industrial District" to B-1-B "Modified Business and Office District". Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 17-2015, a written copy of same having been previously furnished to each member of Council, "Approving the recommendation of the Municipal Planning Commission to approve Petition for Zoning Ordinance Amendment No. ZA-1-2015 on the Petition of Jonathan M. Hanna on behalf of Pisciotta Family Trust to change the zoning of its property at 5649, 5651, 5655 W. Alexis Rd., Sylvania, Ohio; and declaring an emergency."; Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No. 17-2015. "... ZA-1-2015 approval..."

Mr. Haynam moved, Mr. Luetke seconded, that Ordinance No. 17-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 6.

Service Director Aller's report on the Erie Street Waterline Replacement Project – 5810 Granville Drive was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 12-2015, a written copy of same having been previously furnished to each member of Council, "Accepting from Jerome W. Moore and Sandra A. Moore, a grant of permanent utility easement for the Erie Street Waterline Replacement Project; dedicating the easement areas for public purposes as expressed in the easements; providing funds therefore; and declaring an emergency."; Mr. Mishka moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Frye, Haynam, Husman, Luetke, (6) yeas; (0) nays. The motion carried.

Ordinance No. 12-2015, "... a grant of permanent utility easement...Erie St. waterline replacement project..."

Mr. Mishka moved, Mrs. Westphal seconded, that Ordinance No. 12-2015 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Frye, Haynam, Husman, Luetke, Mishka, (6) yeas; (0) nays. The motion carried.

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Service Director Aller's report on the Erie Street Waterline Replacement Project – 7306 Erie Street was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 13-2015, a written copy of same having been previously furnished to each member of Council, "Accepting from Richard A. Rymers and Jennifer J. Rymers, a grant of permanent utility easement for the Erie Street Waterline Replacement Project; dedicating the easement areas for public purposes as expressed in the easements; providing funds therefore; and declaring an emergency."; Mr. Mishka moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

Ordinance No. 13-2015, "... a grant of permanent utility easement....Erie St. waterline replacement project..."

Mr. Mishka moved, Mrs. Westphal seconded, that Ordinance No. 13-2015 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Frye, (6) yeas; (0) nays. The motion carried.

Service Director Aller's report on the Erie Street Waterline Replacement Project – 7342 Erie Street was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 14-2015, a written copy of same having been previously furnished to each member of Council, "Accepting from Iflip Properties, LLC, a grant of permanent utility easement for the Erie Street Waterline Replacement Project; dedicating the easement areas for public purposes as expressed in the easements; providing funds therefore; and declaring an emergency."; Mr. Mishka moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No. 14-2015, "... a grant of permanent utility easement....Erie St. waterline replacement project..."

Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 14-2015 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 7.

Service Director Aller's report on the King Road Right Turn & Resurfacing and the Harroun Road Resurfacing (Monroe St. to Ottawa River) was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 15-2015, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of ESA, LLC to provide professional surveying services for the King Road Right-Turn Lane and Resurfacing Project and the Harroun Road (Monroe Street to the Ottawa River) Resurfacing Project; appropriating funds therefore in an amount not to exceed \$9,200; and declaring an emergency."; Mr. Frye

Ordinance 15-2015, "Accepting proposal ESA, LLC.-King Rd Right-turn & Resurfacing, Harroun

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moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Frye, Haynam, Husman, Luetke, (6) yeas; (0) nays. The motion carried.

Resurfacing.

Mr. Frye moved, Mrs. Husman seconded, that Ordinance No. 15-2015 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Frye, Haynam, Husman, Luetke, Mishka, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 8.

Service Director Aller's report on 2015 Microsurfacing was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 16-2015, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance of the City of Sylvania, Ohio, to enter into an agreement with Strawser Construction, Inc. for the 2015 Microsurfacing project at a cost not to exceed \$191,248; appropriating funds therefore; and declaring an emergency"; Mr. Frye moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being; Frye, Haynam, Husman, Luetke, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

Ordinance No. 16-2015, "Authorizing agreement with Strawser... 2015 Microsurfacing project..."

Mr. Frye moved, Mrs. Westphal seconded, that Ordinance No. 16-2015 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Frye, (6) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 9.

Mr. Mishka set a Utilities Committee meeting for April 20, 2015 at 7:00p.m. to discuss the Ditch/Drains Maintenance Assessment.

Set Utilities Committee, April 20, 2015 7:00 p.m.

Mayor Stough stated that Council will now consider agenda item 10.

Service Director Aller provided information on the River Trail Phase II options. He reviewed the construction options, proposed trail alignment, cost summaries, and grant funding relief for the project.

Mayor Stough stated that all items on the agenda had been considered.

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Mr. Haynam moved, Mrs. Westphal seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:40 p.m. Adjournment.

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Clerk of Council

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Mayor



# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 20, 2015

To: The Mayor and Members of Sylvania City Council

Re: **Erie Street Waterline Replacement (Eaglewood Drive to San Reno Drive)  
Utility and Temporary Construction Easements – 7240 Erie Street**

Dear Mr. Mayor and Council Members:

This project consists of replacing over 900 feet of 8" water line with a new 12" water line on Erie Street between Eaglewood Drive and San Reno Drive. The water line has been replaced and upsized west of Eaglewood Drive and east of San Reno Drive as a part of previous improvement projects. This project will complete the replacement of the entire stretch of water line.

Construction of this project within the existing right-of-way is not possible due to the congestion of existing utilities. In order to accommodate this improvement it is necessary to purchase a utility easement and a temporary construction easement from Sylvania United Church of Christ. We have come to an agreement with the church in the amount of \$2,980 for the utility easement and temporary construction easement.

Procurement of this easement was a known project expense and was included within the project budget. We request approval of the attached easements with Sylvania United Church of Christ and authorization of payment in the amount of \$2,980.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service

**ORDINANCE NO. 20 -2015**

**ACCEPTING FROM FIRST CONGREGATIONAL CHURCH OF SYLVANIA, aka SYLVANIA UNITED CHURCH OF CHRIST, A GRANT OF PERMANENT UTILITY EASEMENT AND A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ERIE STREET WATERLINE REPLACEMENT PROJECT; DEDICATING THE EASEMENT AREAS FOR PUBLIC PURPOSES AS EXPRESSED IN THE EASEMENTS; PROVIDING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.**

WHEREAS, the plans for the Erie Street Waterline Replacement project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, before proceeding with the construction of said waterline improvement project, it is necessary for the City to obtain an easement in, over and through the southerly 15' of 7240 Erie Street, Parcel No. 82-01477 thereof for the installation of a 12" waterline; and,

WHEREAS, Sandra S. Hauter, Moderator of First Congregational Church, aka Sylvania United Church of Christ, owner of the property at 7240 Erie St., Sylvania, Ohio, in which the 12" waterline is planned to be installed have executed and delivered to the City of Sylvania a grant of easement for utility purposes of the southerly 15' of its property at 7240 Erie St., for said improvement project, which grant of utility easement (permanent) is in the form and substance of "Exhibit A" attached hereto and made a part hereof; and,

WHEREAS, similarly, Sandra S. Hauter, Moderator of First Congregational Church, aka Sylvania United Church of Christ has executed and delivered to the City of Sylvania, a grant of temporary easement for construction purposes over the northerly 5' of the southerly 15' of 7240 Erie St. which grant of easement is in the form and substance of "Exhibit B" attached hereto and

made a part hereof.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That the permanent and temporary easements as described on "Exhibit A" and "Exhibit B" respectively be and the same hereby are accepted from, First Congregational Church, aka Sylvania United Church of Christ, the grantor therein.

SECTION 2. That the permanent easement area and temporary easement area identified and described in said "Exhibit A" and said "Exhibit B" be, and the same hereby are, dedicated for the respective public purposes expresses in said easements.

SECTION 3. That the Director of Law is hereby authorized to see that the easements hereby accepted are recorded and thereafter delivered to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 4. That, to provide funds for payment to be made for said easements hereby accepted, there is hereby appropriated the sum of Two Thousand Nine Hundred Eighty Dollars (\$2,980.00) from the **WATER FUND**, from funds therein not heretofore appropriated to **Account No. 701-7525-53501 – Utility Improvements**.

SECTION 5. That the Treasurer be, and he hereby is authorized and directed to draw his warrant or warrants against said account to which appropriation has hereinabove been made for the purpose of paying the purchase price for said easements, upon presentation of proper voucher or vouchers therefore, duly approved by the Director of Law.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 8. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Erie Street Waterline Replacement Project should proceed without further delay and the acceptance of the easement from said grantors. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it

shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:      Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

## EASEMENT FOR UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **The First Congregational Church of Sylvania, aka Sylvania United Church of Christ**, the Grantor, in consideration of two thousand nine hundred eighty (\$2,980), and other good and valuable considerations, to them paid by the **City of Sylvania**, the Grantee, does hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, an easement for the construction and maintenance of a public water main, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

TO HAVE AND TO HOLD the said easement rights with all the rights, privileges and appurtenances thereto belonging to the Grantee, its successors and assigns forever.

The Grantor, their successors and assigns, retains the right to use the attached described property for any and all purposes, provided that such use does not interfere with nor impair the exercise of the rights herein granted.

The Grantor claims title by instrument recorded in Deed Book Volume 1600, Page 267 in the Deed Records of the Lucas County Recorder's Office.

The Grantor hereby covenant that they are the true and lawful Owners of said premises and are well seized of the same, and have good right and full power to bargain, sell and convey the same in the manner aforesaid.

IN WITNESS WHEREOF, the Grantor, **The First Congregational Church of Sylvania** has hereunto set their hands this 6<sup>th</sup> day of April, 2015.

Sandra S. Hauter  
Sandra S. Hauter, Moderator

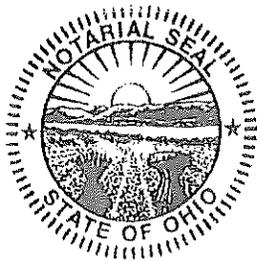
STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Sandra S. Hauter, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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



Robert A Skinner  
Attorney At Law  
Notary Public - Ohio  
No Expiration  
ORC Chapter 147

Notary Public: Robert A. Skinner

City of Sylvania, Ohio

By: \_\_\_\_\_  
Craig. A. Stough, Mayor

By: \_\_\_\_\_  
Toby Schroyer, Director of Finance

Approved:

\_\_\_\_\_  
Leslie B. Brining, Director of Law

## EXHIBIT A

### EASEMENT TO CONSTRUCT AND MAINTAIN A PUBLIC WATER MAIN IN THE NAME AND FOR THE USE OF THE CITY OF SYLVANIA

An easement for the construction and maintenance of a public water main in, on, over and through the described real estate.

The Grantor, their successors and assigns, retains the right to use the described property for any and all purposes, provided that such use does not interfere with nor impair the exercise of the rights herein granted.

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southwest Quarter of Section 4, Town 9 South, Range 6 East, being part of a 5.593 acre tract of land conveyed to The First Congregational Church of Sylvania, by deed recorded in Deed Book Volume 1600, Page 267 in the Deed Records of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at a concrete monument in a monument box found in the centerline of right-of-way of Erie Street, said monument also being the Southwest corner of Section 4, said monument also being at station 484+04.17 in the construction plans for the Erie Street Waterline Replacement Project on file with the City of Sylvania;

Thence North  $86^{\circ}52'32''$  East a distance of 1395.30' on the centerline of right-of-way of Erie Street and the south line of Section 4 to a point, said point also being at station 497+99.47;

Thence North  $03^{\circ}07'28''$  West a distance of 30.00' to a point on the existing north right-of-way line of Erie Street, said point also being on the east line of the west half of the Southwest Quarter of Section 4, said point also being at the southwest corner of the grantor's property, said point also being at the southeast corner of a parcel of land conveyed to Richard A. and Jennifer J. Rymers, by deed recorded in Microfiche 93 124A06 in the Deed Records of the Lucas County Recorder's Office, said point also being the southeast corner of Lot 1087 of Highland Meadows Park Plat 3 Subdivision as recorded in Volume 58, Page 35 in the Deed Records of the Lucas County Recorder's Office, said point also being 30.00' left of station 497+99.47 and being the **TRUE POINT OF BEGINNING**;

Thence North  $01^{\circ}18'21''$  West a distance of 15.01' on the east line of the west half of the Southwest Quarter of Section 4 and the west line of the grantor's property and on the east line of a parcel of land conveyed to Richard A. and Jennifer J. Rymers and on the east line of Lot 1087 of Highland Meadows Park Plat 3 Subdivision to a point, said point also being 45.00' left of station 497+99.95;

Thence North  $86^{\circ}52'32''$  East a distance of 280.05' to a point, said point also being 45.00' left of station 500+80;

Thence South  $03^{\circ}07'28''$  East a distance of 15.00' to a point on the existing north right-of-way line of Erie Street, said point also being 30.00' left of station 500+80;

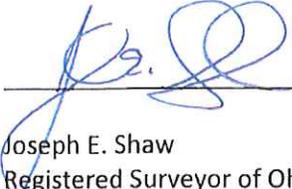
Thence South 86°52'32" West a distance of 280.53' on the existing north right-of-way line of Erie Street to the **TRUE POINT OF BEGINNING**.

Said parcel contains 0.097 acres of land, more or less, and is subject to all legal highways and easements of record.

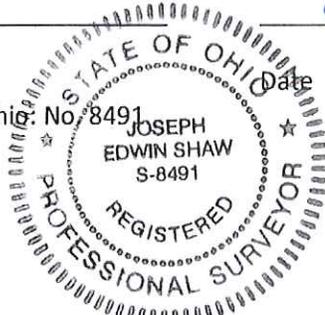
Bearings used herein are based on an assumed meridian and are for the express purpose of showing angular measurement.

The above described area is contained within Lucas County Auditor's tax district parcel number 82-01477.

This description was prepared by Joseph E. Shaw, Registered Surveyor 8491 of the State of Ohio.

  
\_\_\_\_\_  
Joseph E. Shaw  
Registered Surveyor of Ohio: No. 8491

Date 4/3/15



The seal is circular with a double-line border. The outer ring contains the text "STATE OF OHIO" at the top and "REGISTERED PROFESSIONAL SURVEYOR" at the bottom, separated by two stars. The center of the seal contains the text "JOSEPH EDWIN SHAW" and "S-8491".

**T9S, R6E  
SW QTR. SEC. 4  
CITY OF SYLVANIA  
LUCAS COUNTY, OHIO**

FIRST CONGREGATIONAL CHURCH OF SYLVANIA  
7240 ERIE STREET  
82-01477  
5.593 ACRES

HIGHLAND MEADOWS PARK PLAT 3, LOT 1087

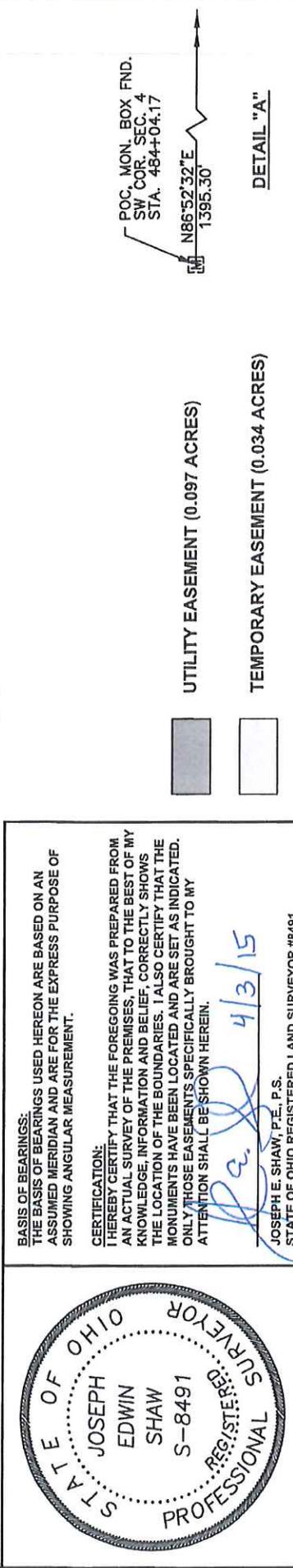
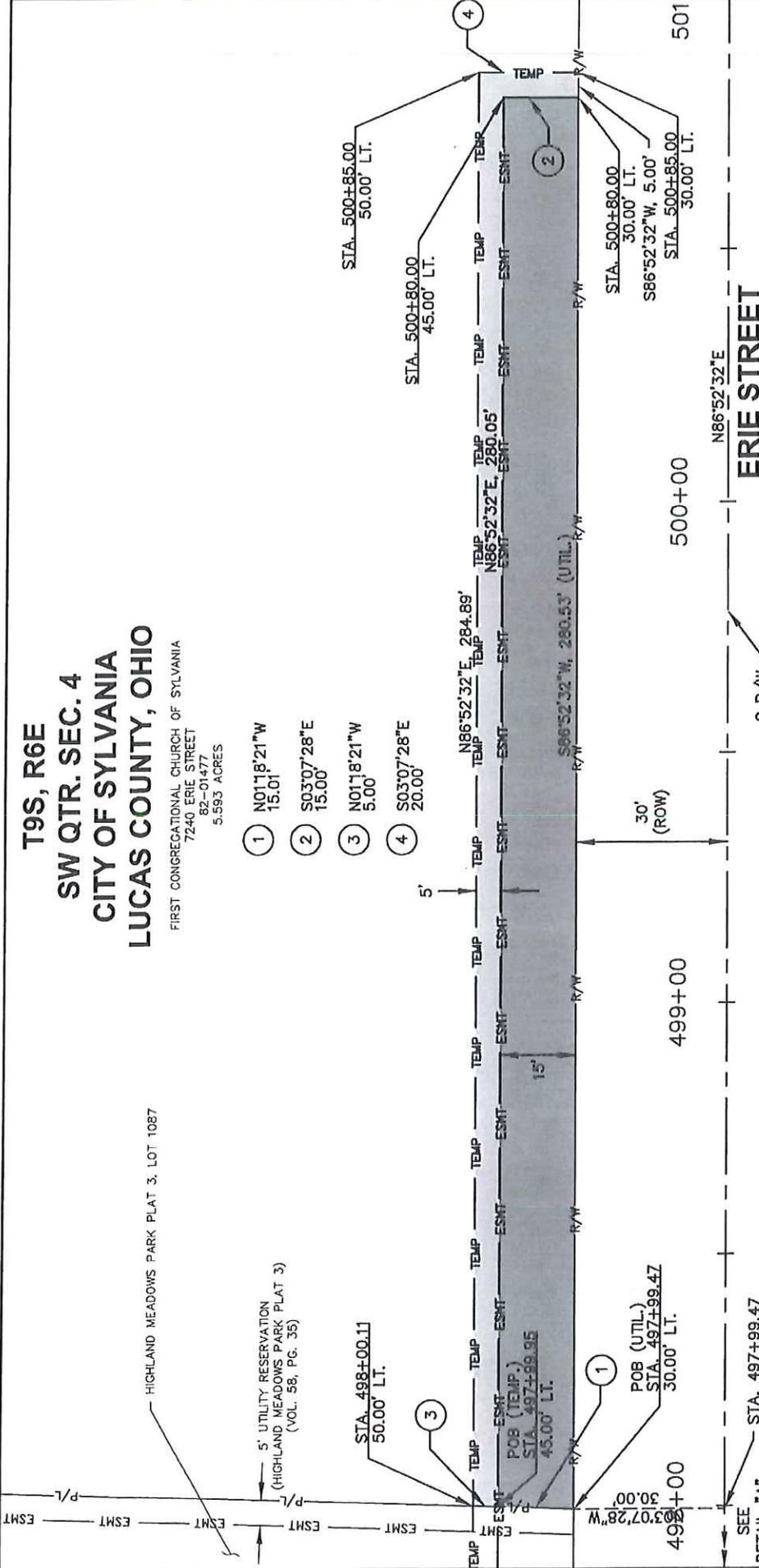
5' UTILITY RESERVATION  
(HIGHLAND MEADOWS PARK PLAT 3)  
(VOL. 58, PG. 35)

- ① N01°18'21"W  
15.01
- ② S03°07'28"E  
15.00'
- ③ N01°18'21"W  
5.00'
- ④ S03°07'28"E  
20.00'

STA. 498+00.11  
50.00' LT.

POB (UTIL.)  
STA. 497+99.95  
45.00' LT.

POB (UTIL.)  
STA. 497+99.47  
30.00' LT.



**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM AN ACTUAL SURVEY OF THE PREMISES, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES. I ALSO CERTIFY THAT THE MONUMENTS HAVE BEEN LOCATED AND ARE SET AS INDICATED. ONLY THOSE EASEMENTS SPECIFICALLY BROUGHT TO MY ATTENTION SHALL BE SHOWN HEREIN.

JOSEPH E. SHAW, P.E., P.S.  
STATE OF OHIO REGISTERED LAND SURVEYOR #8491

4/3/15



EXHIBIT:	B	0	30	15	60	NORTH HORIZONTAL SCALE IN FEET
DRAWN BY:	JES					
DATE:	4/3/2015					

DEPARTMENT OF PUBLIC SERVICE  
**UTILITY & TEMPORARY  
EASEMENTS FOR 7240 ERIE STREET**  
ERIE STREET WATERLINE  
REPLACEMENT PROJECT

UTILITY EASEMENT (0.097 ACRES)

TEMPORARY EASEMENT (0.034 ACRES)

DETAIL "A"

POC, MON. BOX, FND.  
SW COR, SEC. 4  
STA. 484+04.17

N86°52'32"E  
1395.30'

## TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

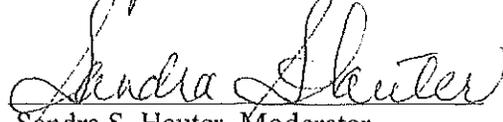
That **The First Congregational Church of Sylvania, aka Sylvania United Church of Christ**, the Grantor, for valuable consideration paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Erie Street Waterline Replacement Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

TO HAVE AND TO HOLD the same to said Grantee, its duly authorized agents or contractors, the proprietary right to enter upon and use the land above described, during the period beginning with the breaking of ground for the construction on the referenced improvement project and terminating when the completed work has been fully accepted by the City of Sylvania, or twelve (12) months from the date of entry on the subject easement area, whichever occurs first.

During construction, the said Grantee shall furnish reasonable access across the easement when such easement divides the property or the Grantor from the public highway providing access thereto. Said Grantee shall provide that the easement area shall be restored to a condition similar to what exists prior to the commencement of construction, subject to the project construction plans.

The Grantor hereby covenant that they are the true and lawful Owners of said premises and are well seized of the same, and have good right and full power to bargain, sell and convey the same in the manner aforesaid.

IN WITNESS WHEREOF, the Grantor, **The First Congregational Church of Sylvania**,  
has hereunto set their hands this 6<sup>th</sup> day of April, 2015.

  
Sandra S. Hauter, Moderator

STATE OF OHIO

}SS

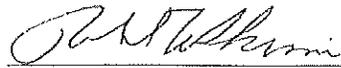
COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Sandra S. Hauter, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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



Robert A Skinner  
Attorney At Law  
Notary Public - Ohio  
No Expiration  
ORC Chapter 147

Notary Public 

City of Sylvania, Ohio

By: \_\_\_\_\_  
Craig A. Stough, Mayor

By: \_\_\_\_\_  
Toby Schroyer, Director of Finance

Approved:

\_\_\_\_\_  
Leslie B. Brining, Director of Law

## EXHIBIT A

### TEMPORARY EASEMENT FOR THE PURPOSE OF PERFORMING THE WORK NECESSARY TO INSTALL A WATER LINE AND GRADE THE AREA FOR 12 MONTHS FROM THE DATE OF ENTRY BY THE CITY OF SYLVANIA

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southwest Quarter of Section 4, Town 9 South, Range 6 East, being part of a 5.593 acre tract of land conveyed to The First Congregational Church of Sylvania, by deed recorded in Deed Book Volume 1600, Page 267 in the Deed Records of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at a concrete monument in a monument box found in the centerline of right-of-way of Erie Street, said monument also being the Southwest corner of Section 4, said monument also being at station 484+04.17 in the construction plans for the Erie Street Waterline Replacement Project on file with the City of Sylvania;

Thence North  $86^{\circ}52'32''$  East a distance of 1395.30' on the centerline of right-of-way of Erie Street and the south line of Section 4 to a point, said point also being at station 497+99.47;

Thence North  $03^{\circ}07'28''$  West a distance of 30.00' to a point on the existing north right-of-way line of Erie Street, said point also being on the east line of the west half of the Southwest Quarter of Section 4, said point also being at the southwest corner of the grantor's property, said point also being at the southeast corner of a parcel of land conveyed to Richard A. and Jennifer J. Rymers, by deed recorded in Microfiche 93 124A06 in the Deed Records of the Lucas County Recorder's Office, said point also being the southeast corner of Lot 1087 of Highland Meadows Park Plat 3 Subdivision as recorded in Volume 58, Page 35 in the Deed Records of the Lucas County Recorder's Office, said point also being 30.00' left of station 497+99.47;

Thence North  $01^{\circ}18'21''$  West a distance of 15.01' on the east line of the west half of the Southwest Quarter of Section 4 and the west line of the grantor's property and on the east line of a parcel of land conveyed to Richard A. and Jennifer J. Rymers and on the east line of Lot 1087 of Highland Meadows Park Plat 3 Subdivision to a point, said point also being 45.00' left of station 497+99.95 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North  $01^{\circ}18'21''$  West a distance of 5.00' on the east line of the west half of the Southwest Quarter of Section 4 and the west line of the grantor's property and on the east line of a parcel of land conveyed to Richard A. and Jennifer J. Rymers and on the east line of Lot 1087 of Highland Meadows Park Plat 3 Subdivision to a point, said point also being 50.00' left of station 498+00.11;

Thence North  $86^{\circ}52'32''$  East a distance of 284.89' to a point, said point also being 50.00' left of station 500+85;

Thence South  $03^{\circ}07'28''$  East a distance of 20.00' to a point on the existing north right-of-way line of Erie Street, said point also being 30.00' left of station 500+85;

Thence South  $86^{\circ}52'32''$  West a distance of 5.00' on the existing north right-of-way line of Erie Street to a point, said point also being 30.00' left of station 500+80;

Thence North  $03^{\circ}07'28''$  West a distance of 15.00' to a point, said point also being 45.00' left of station 500+80;

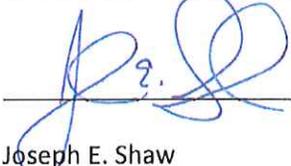
Thence South  $86^{\circ}52'32''$  West a distance of 280.05' to the **TRUE POINT OF BEGINNING**.

Said parcel contains 0.034 acres of land, more or less, and is subject to all legal highways and easements of record.

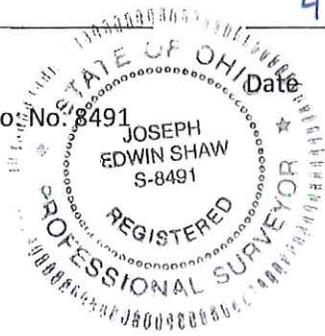
Bearings used herein are based on an assumed meridian and are for the express purpose of showing angular measurement.

The above described area is contained within Lucas County Auditor's tax district parcel number 82-01477.

This description was prepared by Joseph E. Shaw, Registered Surveyor 8491 of the State of Ohio.

 \_\_\_\_\_ 4/3/15

Joseph E. Shaw  
Registered Surveyor of Ohio No. 8491



Date

**T9S, R6E  
SW QTR. SEC. 4  
CITY OF SYLVANIA  
LUCAS COUNTY, OHIO**

FIRST CONGREGATIONAL CHURCH OF SYLVANIA  
7240 ERIE STREET  
82-01477  
5.593 ACRES

HIGHLAND MEADOWS PARK PLAT 3, LOT 1087

5' UTILITY RESERVATION  
(HIGHLAND MEADOWS PARK PLAT 3)  
(VOL. 58, PG. 35)

- ① N01°18'21"W  
15.01'
- ② S03°07'28"E  
15.00'
- ③ N01°18'21"W  
5.00'
- ④ S03°07'28"E  
20.00'

STA. 498+00.11  
50.00' LT.

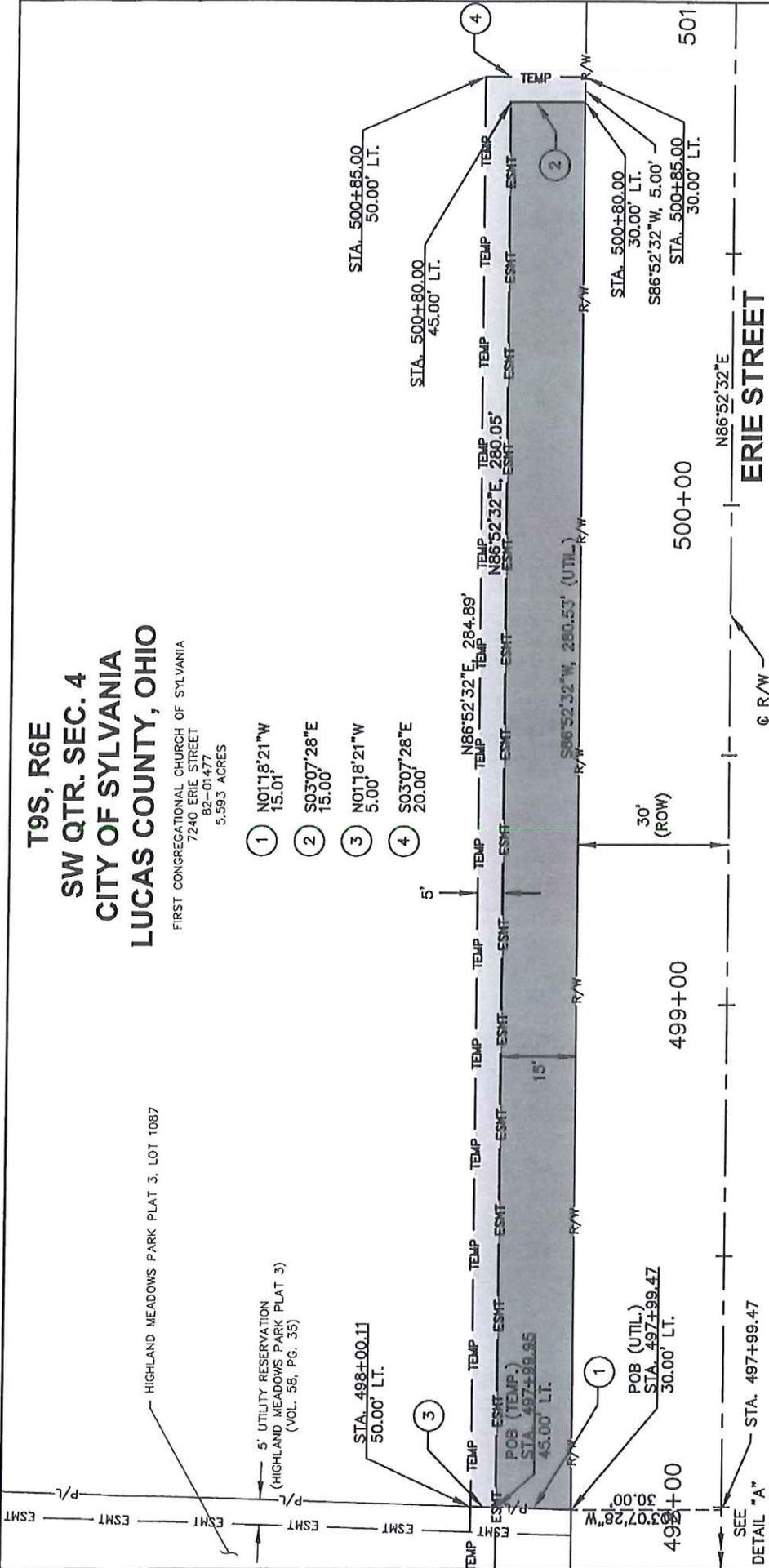
POB (TEMP.)  
STA. 497+99.95  
45.00' LT.

POB (UTIL.)  
STA. 497+99.47  
30.00' LT.

STA. 500+85.00  
50.00' LT.

STA. 500+80.00  
45.00' LT.

STA. 500+80.00  
30.00' LT.  
S86°52'32"W, 5.00'  
STA. 500+85.00  
30.00' LT.



**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM AN ACTUAL SURVEY OF THE PREMISES, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES. I ALSO CERTIFY THAT THE MONUMENTS HAVE BEEN LOCATED AND ARE SET AS INDICATED. ONLY THOSE EASEMENTS SPECIFICALLY BROUGHT TO MY ATTENTION SHALL BE SHOWN HEREIN.

*Joseph E. Shaw*  
4/3/15  
JOSEPH E. SHAW, P.E., P.S.  
STATE OF OHIO REGISTERED LAND SURVEYOR #8491

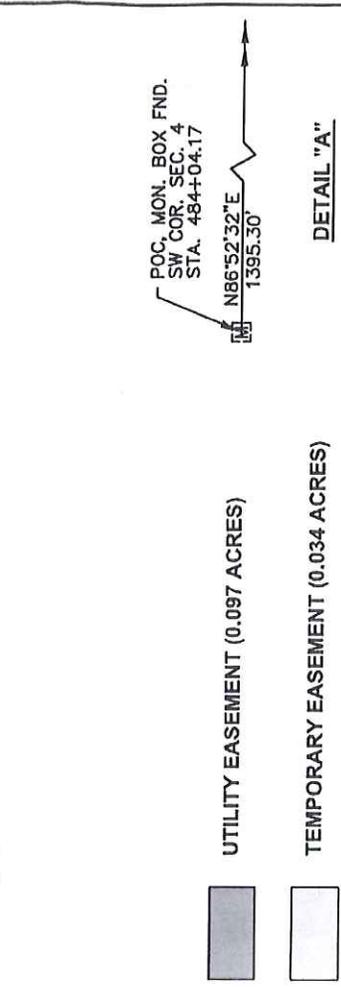


EXHIBIT:	B	30	60
DRAWN BY:	JES	HORIZONTAL SCALE IN FEET	
DATE:	4/3/2015	60	
DEPARTMENT OF PUBLIC SERVICE <b>UTILITY &amp; TEMPORARY EASEMENTS FOR 7240 ERIE STREET</b> ERIE STREET WATERLINE REPLACEMENT PROJECT			



# City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 20, 2015

To: The Mayor and Members of Sylvania City Council

Re: **Erie Street Waterline Replacement Project**

Dear Mr. Mayor and Council Members:

Bidding documents for the above-mentioned project are now complete and all easements required for construction have been secured.

This project consists of replacing over 900 feet of 8" water line with a new 12" water line on Erie Street between Eaglewood Drive and San Reno Drive. The water line has been replaced and upsized west of Eaglewood Drive and east of San Reno Drive as a part of previous improvement projects. This project will complete the replacement of the entire stretch of water line.

The estimated cost of the project is \$182,000 with construction scheduled to begin after the 2015 Marathon Classic golf tournament and is to be completed by Labor Day.

We would request that the Clerk of Council be authorized to advertise for bids.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service

8

ORDINANCE NO. 21 -2015

**AUTHORIZING THE DONATION OF L-3 MOBILE VISION EQUIPMENT TO THE CUYAHOGA FALLS POLICE DEPARTMENT; DETERMINING SAID PROPERTY TO BE OF NO FURTHER USE TO THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania previously purchased L-3 Mobile Vision Equipment for its Police Department; and,

WHEREAS, this equipment has recently been replaced by the City of Sylvania Police Department and, therefore, is of no further use to the City; and,

WHEREAS, the Chief of Police has recommended the L-3 Mobile Vision Equipment be donated to the Cuyahoga Falls Police Department.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That it is hereby determined that the City of Sylvania no longer needs the following L-3 Mobile Vision equipment:

1. 30 Voice Link Microphone Packs;
2. 35 AC Microphone Chargers;
3. 15 In-Car Docking Stations;
4. 26 Microphone Pack Holders;
5. 58 External Lapel Microphones;
6. 37 Spare Batteries.

SECTION 2. That the Mayor and Director of Finance be, and they are hereby are, authorized to donate the L-3 Mobile Vision equipment described above which are of no further use to the City, to the Cuyahoga Falls Police Department.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the L-3 Mobile Vision Equipment described above is no longer needed by the City and should be donated to Cuyahoga Falls Police Department at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:        Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ORDINANCE NO. 22 -2015

**AUTHORIZING THE DONATION OF SEVEN (7) USED POWER-WHEEL TYPE ELECTRIC CARS TO SYLVANIA AREA FAMILY SERVICES; DETERMINING SAID ITEMS TO BE OF NO FURTHER USE TO THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania Police Department has seven (7) used power-wheel type electric cars that have been used for Safety City since 2007; and,

WHEREAS, the power-wheel type electric cars were beginning to experience wheel issues and were going to need new batteries in order to continue to use them for Safety City; and,

WHEREAS, Sylvania Area Family Services, has indicated a need for electric toy cars for the families it serves; and,

WHEREAS, the seven (7) electric toy cars, set forth in a list on file with the Clerk of Council are of no further use to the City of Sylvania and should therefore be donated to Sylvania Area Family Services.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That it is hereby determined that the City of Sylvania no longer needs the seven power-wheel type electric toy cars more further described on a list provided to the Clerk of Council and Director of Finance.

SECTION 2. That the Mayor and Director of Finance be, and they are hereby are, authorized to donate items named above which are of no further use to the City, to Sylvania Area Family Services.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the seven (7) electric power-wheel type toy cars named above are of no further use to the City of Sylvania and therefore they should be donated to Sylvania Area Family Services at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:        Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

ORDINANCE NO. 23 -2015

**ACCEPTING FOR ANNEXATION TO THE CITY OF SYLVANIA, OHIO, THE TERRITORY DESCRIBED IN ANNEXATION PETITION NUMBER 2014-4 FOR WHICH JAMES E. MOAN IS THE AGENT, AND AS HEREINAFTER DESCRIBED; PROVIDING FOR THE INTERIM ZONING OF SAID TERRITORY; AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_

members elected thereto concurring:

SECTION 1. That the petition for annexation of the following described territory, in Sylvania Township, Lucas County, Ohio, contiguous to the City of Sylvania, Ohio, to-wit:

Being part of the Northwest Quarter, of Section 21, Town 9 South, Range 6 East, in Sylvania Township, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar monument found at the Northwest corner of Section 21, said point also being the intersection of Sylvania Avenue, so called, and King Road, so called, said point also being the True Point of Beginning.

Thence North 85 degrees, 38 minutes, 29 seconds East, along the North line of Section 21, said line also being the centerline of Sylvania Avenue, a distance of 223.72 feet.

Thence South 00 degrees, 14 minutes, 30 seconds West, along a line that is parallel with the West line of Section 21, passing the South right-of-way of Sylvania Avenue at a distance of 30.10 feet, an overall distance of 331.07 feet.

Thence North 85 degrees, 38 minutes, 29 seconds East, along a line that is parallel with the North line of Section 21, a distance of 41.13 feet.

Thence South 00 degrees, 14 minutes, 30 seconds West, along a line that is parallel with the West line of Section 21, a distance of 57.05 feet.

Thence South 85 degrees, 38 minutes, 29 seconds West, along a line that is parallel with the North line of Section 21, passing the East right-of-way of King Road at a distance of 224.72 feet, an overall distance of 264.85 feet to the West line of Section 21, said line also being the centerline of King Road.

Thence North 00 degrees, 14 minutes, 30 seconds East, along the West line of Section 21, said line also being the centerline of King Road, a distance of 388.11 feet to the True Point of Beginning.

Containing 88,888.20 square feet or 2.041 acres of land, of which 6,711.62 square feet or 0.154 acres of land are within the Sylvania Avenue right-of-way, and 13,595.04 square feet or 0.312 acres of land are within the King Road right-of-way. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. This legal description is based upon a field survey prepared by Lewandowski Engineers on June 23, 2014.

TDP No. 78-33064, 78-33067, 78-33071 & 78-33074

having been filed with the Board of County Commissioners of Lucas County, Ohio, on October 2014, presented to said Board of County Commissioners at a regular session thereof held on October 14, 2014, and acted upon favorably by said Board of County Commissioners on December 16, 2014, passed Resolution No. 14-1093 to approve Annexation Petition 2014-4 together with the accompanying map of the territory and a certified transcript of the proceedings said Board of County Commissioners, deposited with the Clerk of Council of the City of Ohio, by said Board of County Commissioners on the 3<sup>rd</sup> day of February, 2015, and all of the

same laid before this Council at its regular meeting on February 18, 2015, by the Clerk of be, and the same is hereby accepted.

SECTION 2. That the Council of the City of Sylvania, Ohio, hereby finds and determines that the property is currently zoned Residential Agricultural and, therefore, comparable zoning should be established for all of the hereinabove described territory, that is, R-1.

SECTION 3. That the Clerk of Council be, and she is hereby, authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the corrections thereof. The Clerk of Council shall then forthwith deliver one (1) copy to the County Auditor, one (1) copy to the County Recorder, and one (1) copy to the Secretary of State and shall file Notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that provision for the acceptance of said annexation and establishment of interim zoning thereof should be made promptly so as to promptly establish the jurisdiction having authority over future developments of said real estate and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

11

**ORDINANCE NO. 24 -2015**

**ACCEPTING FOR ANNEXATION TO THE CITY OF SYLVANIA, OHIO,  
THE TERRITORY DESCRIBED IN ANNEXATION PETITION NUMBER  
2014-5 FOR WHICH JAMES E. MOAN IS THE AGENT, AND AS  
HEREINAFTER DESCRIBED; PROVIDING FOR THE INTERIM  
ZONING OF SAID TERRITORY; AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_

members elected thereto concurring:

**SECTION 1.** That the petition for annexation of the following described territory, in Sylvania Township, Lucas County, Ohio, contiguous to the City of Sylvania, Ohio, to-wit:

Lot number fifty-three (53) in Sylford Place, a Subdivision in Sylvania Township, Lucas County, Ohio, in accordance with Volume 44 of Plats, pages 41-42 and also the 50' half right-of-way of Alexis Road and 30' half right-of-way of McLain Drive abutting said lot.

having been filed with the Board of County Commissioners of Lucas County, Ohio, on October 3, 2014, presented to said Board of County Commissioners at a regular session thereof held on October 14, 2014, and acted upon favorably by said Board of County Commissioners on December 16, 2014, passed Resolution No. 14-1094 to approve Annexation Petition 2014-5 together with the accompanying map of the territory and a certified transcript of the proceedings of said Board of County Commissioners, deposited with the Clerk of Council of the City of Sylvania, Ohio, by said Board of County Commissioners on the 3<sup>rd</sup> day of February, 2015, and all of the same laid before this Council at its regular meeting on February 18, 2015, by the Clerk of Council, be, and the same is hereby accepted.

**SECTION 2.** That the Council of the City of Sylvania, Ohio, hereby finds and determines that the property is currently zoned B-2 and, therefore, comparable zoning should be established for all of the hereinabove described territory, that is, B-2.

**SECTION 3.** That the Clerk of Council be, and she is hereby, authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the corrections thereof. The Clerk of Council shall then forthwith deliver one (1) copy to the County Auditor, one (1) copy to the County Recorder, and one (1) copy to the Secretary of State and shall file Notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

**SECTION 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

**SECTION 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare

and for the further reason that provision for the acceptance of said annexation and establishment interim zoning thereof should be made promptly so as to promptly establish the jurisdiction authority over future developments of said real estate and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:           Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

12

ORDINANCE NO. 25 -2015

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AMENDMENT FOR THE WORK RELEASE CAD PROGRAM AGREEMENT, ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS, FOR THE PROVISION OF COURT ADDICTION DIVERSION SERVICES THROUGH THE LUCAS COUNTY COURT OF COMMON PLEAS WORK RELEASE COURT ADDICTION DIVERSION PROGRAM TO SYLVANIA MUNICIPAL COURT; AND DECLARING AN EMERGENCY.**

WHEREAS, the Board of Lucas County Commissioners through the Lucas County Common Pleas Court has implemented a Work Release Program; and,

WHEREAS, the City of Sylvania desires to participate in the Work Release Court Addiction Diversion Treatment Program ("CAD"); and,

WHEREAS, the goal of the Work Release CAD Treatment Program is to aid in the protection of the community by rehabilitating convicted offenders; and,

WHEREAS, the Director of Law has received the proposed Agreement with the Board of Lucas County Commissioners for the Work Release CAD Program to the Sylvania Municipal Court which will give Sylvania Municipal Court two reserved beds in the program; and,

WHEREAS, the per diem rate for the reserved beds is \$83.00 per bed which will be paid out of the Sylvania Municipal Court's Indigent Fund.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That the Mayor and Director of Finance be, and they hereby are authorized to enter into an Agreement with the Board of Lucas County Commissioners, in the form and substance of "Exhibit A" this Council hereby agreeing to appropriate the necessary funds for payment required under said Agreement.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Agreement should be authorized immediately to provide two reserved beds in the Work Release CAD Treatment Program. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AMENDMENT FOR THE WORK RELEASE CAD PROGRAM AGREEMENT

BY AND BETWEEN

THE CITY OF SYLVANIA

AND

THE BOARD OF COMMISSIONERS OF LUCAS COUNTY, OHIO

APPROVED BY

THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

AND

THE SYLVANIA MUNICIPAL COURT

THIS Agreement is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Sylvania, Ohio (hereinafter referred to as "City) and the Board of Commissioners of Lucas County, Ohio (hereinafter referred to as "Board"). The Court of Common Pleas of Lucas County, General Division (herein referred to as "Common Pleas") and the Sylvania Municipal Court (herein referred to as "SMC") have approved such as to content. This Agreement addresses the provision of court addiction diversion services through the Common Pleas Work Release Court Addiction Diversion program to SMC.

WHEREAS, the Lucas County Common Pleas Court, General Trial Division, is authorized by Sections 5147.28 and 5147.29 of the Ohio Revised Code to implement a Work Release Program; and

WHEREAS, the County of Lucas, through the Common Pleas Court, General Trial division, has implemented such a program through the establishment of a Department of Work Release under Gen. R. 9.03; and

WHEREAS, it has been determined that participation in the Work Release Court Addiction Diversion Treatment Program ("CAD") is beneficial to the City and Sylvania, as it ultimately aids in the protection of the community by the rehabilitation of convicted offenders; and

WHEREAS, City is authorized to enter into this Agreement with the Board under Lucas County Legislation \_\_\_\_\_ passed on \_\_\_\_\_, 2015, and the City of Sylvania Ordinance \_\_\_\_\_, passed on \_\_\_\_\_, 2015.

NOW THEREFORE, for good and valuable consideration as hereinafter provided it is agreed by the parties as follows:

## Section I- Scope of Services

- 1.1 Common Pleas Department of Work Release ("Department") shall accept referrals from the SMC for participation in its Work Release CAD; and shall provide all other necessary services (as defined by Work Release policies and procedures) to the participants therein. SMC will have access to 2 residential beds for SMC participants.
- 1.2 The Director of the Department of Work Release shall administer the CAD Program in accordance with the policies and procedures approved by the Lucas County Court of Common Pleas, General Trial Division, maintain accurate records as to SMC participants, and respond to SMC requests. Appendix A, The Work Release CAD Program Description, is hereby incorporated in and made part of this Agreement.
- 1.3 SMC, in availing itself of the services of the Department, agrees to abide by the established policies and procedures of the Department and further acknowledges the authority of the Department Director of Work Release to reject any SMC referral that is a) found unsuitable by Work Release Staff in accordance with established screening procedures; b) placed in the Work Release CAD Program status without first undergoing screening procedures; c) guilty of any infraction of Work Release regulations.
- 1.4 In the event of reduced Board funding for the Work Release Department, it is understood that limitations may be placed upon the number of CAD Program referrals accepted from SMC. In the event that significant personnel reductions occur and the capacity of the program is reduced, there may be an inability to accept any referrals from the SMC by the Department of Work Release. Notice of any limitations to accept referrals will be provided to the SMC by the Department of Work Release.

## Section II- Term and Option

- 2.1 This Agreement is effective as of \_\_\_\_\_, 2015, and ends on June 30, 2015.
- 2.2 The Agreement may be extended by mutual agreement of the parties for an additional 12 month period beginning on July 1, 2015, and ending June 30, 2016. Any change in Fees and per diem rates for the extension period shall be mutually agreed to by the parties in writing as an amendment to this Agreement.

## Section III- Fees and Invoicing

- 3.1 For the period beginning \_\_\_\_\_, 2015, and ending June 30, 2015, the City agrees to pay a per diem rate of \$83.00 per participant in the program. Payment will be made on a monthly basis based upon the number of days used in the preceding month.

- 3.2 The Board will invoice the SMC each month for the number of bed days utilized the month before. SMC agrees to pay the full amount of each invoice within 30 days of receipt. Board reserves the right to terminate or reduce services based upon non-payment of invoices.

#### Section IV- Medical Treatment/Costs

All medically-related costs, including hospitalizations, shall be the responsibility of the offender. In the event the offender requires hospitalization, the Work Release staff will notify the SMC, so a decision can be made to place the offender on a furlough for medical treatment, or the Sentencing Judge can modify the offender's sentence and grant an immediate release.

#### Section V- Liability

- 5.1 The Board shall be solely liable for any and all liabilities, losses, obligations, claims, damages, penalties, suits, actions, judgments, costs and expenses of whatever nature, which are incurred or brought as a result of injury to or death of persons or damages to or loss of property caused by acts or omissions to act of the Board, its Officers, Agents, Servants, and Employees, arising out of the performance of this Agreement, except where the separate intervening negligence of the City, its Officers, Agents, Servants, and Employees, or a third party is a proximate cause of the accident, injury, death, or damage to property.
- 5.2 City shall be solely liable for any and all liabilities, losses, obligations, claims, damages, penalties, suits, actions, judgments, costs and expenses of whatever nature, which are incurred or brought as a result of injury to or death of persons or damages to or loss of property caused by acts or omissions to act of the City, its Officers, Agents, Servants, and Employees, arising out of the performance of this Agreement, except where the separate intervening negligence of the Board, its Officers, Agents, Servants, and Employees, or a third party is a proximate cause of the accident, injury, death, or damage to property.

#### Section VI- Termination

- 6.1 This Agreement may be terminated by either party, upon a 30 days written notice to the Board of Lucas County Commissioners, the Court Administrator for the Lucas County Court of Common Pleas, and to the Judge of the Sylvania Municipal Court and the Mayor of City of Sylvania. In the event there is no alternative residential program immediately available to them then participating SMC offenders as of the date of termination of the Agreement, the County agrees to allow these offenders to complete their treatment at the Work Release CAD Program.
- 6.2 There shall be no fees payable after the date of termination, except to the extent that services are continued to be provided to participating SMC offenders subsequent to the termination date.

### Section VII- Amendment

This Agreement may be amended from time to time in writing by the parties, provided that such amendment shall be attached hereto, signed by the parties, and become a part hereof.

### Section VIII- Assignment

Neither party may assign or transfer rights and obligations under this Agreement without the consent of the other party.

### Section IX- Non-Discrimination

Each party to this Agreement shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, ancestry, disability, sexual orientation, or marital status.

### Section X- Compliance with Laws

The Court of Common Pleas and the Board shall comply with all federal and/or State of Ohio constitutions, laws, or regulations, rules and/or the Charter or laws of the City of Sylvania now or hereafter in force, which may be applicable to the Department of Work Release. Any covenant or provision of this Agreement shall be void and unenforceable to the extent that it violates federal or State of Ohio constitutions, laws, or regulations, rules and/or the Charter or laws of the City of Sylvania.

### Section XI- Governing Law

This Agreement shall be governed by and interpreted under the laws of the State of Ohio, and any action or proceeding arising from this Agreement shall be commenced in a court of competent jurisdiction located in the Lucas County, Ohio.

### Section XII- Notices

Any Notice or other communications required or permitted under this Agreement will be in writing and will be deemed sufficiently given when delivered in hand, email, or three (3) days after being mailed by first-class United States mail, postage prepaid, and in each instance addressed as follows:

In the case of City:  
City of Sylvania  
Attention: Leslie Brinning  
6730 Monroe Street  
Sylvania, OH 43560  
[LBrinning@cityofsylvania.com](mailto:LBrinning@cityofsylvania.com)

In the case of Board:  
Lucas County Court of Common Pleas  
Attention: Don Colby, Court Administrator  
700 Adams Street  
Toledo, OH 43604  
[Dcolby@co.lucas.oh.us](mailto:Dcolby@co.lucas.oh.us)

Board and/or City may from time to time change its designated recipient or address for notification purposes by giving written notice of the new designated recipient or address and the date upon which it will become effective.

Section XIII- Captions and Interpretation

The Article and Section captions are for reference and convenience only, and shall not enter into the interpretation of this Agreement.

IN WITNESS HEREOF, the parties hereto have caused this Agreement to be executed as of the date and year stated above.

CITY OF SYLVANIA

\_\_\_\_\_  
Craig Stough, Mayor

\_\_\_\_\_  
(date)

APPROVED AS TO CONTENT

TOLEDO MUNICIPAL COURT

\_\_\_\_\_  
,Judge

\_\_\_\_\_  
(date)

APPROVED AS TO FORM

\_\_\_\_\_  
City of Sylvania Law Department

\_\_\_\_\_  
(date)

LUCAS COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tina Skeldon Wozniak, Commissioner

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Carol Contrada, Commissioner

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Pete Gerken, Commissioner

\_\_\_\_\_  
(date)

APPROVED AS TO CONTENT

\_\_\_\_\_  
Ruth Ann Franks, Administrative Judge

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Donald W. Colby, Court Administrator

\_\_\_\_\_  
(date)

APPROVED AS TO FORM

\_\_\_\_\_  
Julia Bates, County Prosecuting Attorney

\_\_\_\_\_  
(date)

ORDINANCE NO. 26 -2015

**ACCEPTING FROM FIRST BAPTIST CHURCH OF SYLVANIA a/k/a  
FIRST BAPTIST CHURCH, SYLVANIA, A CORPORATION  
WARRANTY DEED FOR THE PROPERTY LOCATED AT 4815, 4821 &  
4827 HOLLAND-SYLVANIA ROAD, SYLVANIA, OHIO; AND  
DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 61-2014, passed December 1, 2014, authorized the Mayor and Director of Finance to enter into a purchase agreement with the First Baptist Church of Sylvania for the purchase of the property located at 4815, 4821 & 4827 Holland-Sylvania Rd., Sylvania, Ohio (Parcel Nos. 78-54967, 78-54964, 78-21711 and 78-21706); and,

WHEREAS, Anthony Koh, on behalf of First Baptist Church, has executed and delivered to the City of Sylvania, a Corporation Warranty Deed for the property located at 4815, 4821 & 4827 Holland-Sylvania Rd., Sylvania, Ohio (Parcel Nos. 78-54967, 78-54964, 78-21711 and 78-21706), which Corporation Warranty Deed is in the form and substance of "Exhibit A", attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

SECTION 1. That the Warranty Deed as so executed, tendered and delivered, as described on "Exhibit A" be, and the same hereby is, accepted from First Baptist Church of Sylvania a/k/a First Baptist Church, Sylvania the grantor of said deed.

SECTION 2. That recorded deed shall be filed with the Director of Finance, and will be maintained by him as a part of the records of this City.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

**SECTION 5.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Deed tendered should be accepted forthwith so that other matters relative to clearing title to the acquired property and the overall project will not be delayed. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:           Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

04/03/2015  
TRANSFERRED BY: JR. \$1.50  
IN COMPLIANCE WITH SEC. 319.202 R.C.  
ANITA LOPEZ, AUDITOR  
LUCAS COUNTY, OHIO

FEE: \$0.00 EX: X MULTI:  
PARCEL: 78-54967 COUNT: 3  
TRANS. #: 15-202171



20150403-0012473  
Pages: 4 Fee: \$44.00  
04/03/2015 09:38:45 AM  
T20150009425  
Phil Copeland  
Lucas County Recorder DEED

CORPORATION WARRANTY DEED

LOUISVILLE BOX 806964

KNOW ALL MEN BY THESE PRESENTS:

That **FIRST BAPTIST CHURCH OF SYLVANIA** a/k/a **FIRST BAPTIST CHURCH, SYLVANIA**, a not-for-profit corporation duly organized and existing under the laws of the State of Ohio, the Grantor, in consideration of Two Hundred Sixty Thousand Dollars (\$260,000.00) and other good and valuable consideration to it paid by the **CITY OF SYLVANIA**, the Grantee, whose present mailing address is 6730 MONROE ST. SYLVANIA OH 43560 the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto said Grantee and to its successors and assigns forever the following described real estate situated in the County of Lucas and State of Ohio and is legally described as:

SEE ATTACHED EXHIBIT "A"

Together with all the privileges and appurtenances thereunto belonging, but subject to zoning ordinances, restrictions of record and public utility or other easements now in use or of record.

Grantor acquired title to the above described premises by Instrument Nos. **01-0174-B04 & 03-0168-E09**.

To have and to hold the same to said Grantee and to its heirs, and assigns forever and the said Grantor for itself and its successors and assigns hereby covenants that it is the true and lawful owner of said premises, is well seized of the same in fee simple and has good right and full power to bargain, sell and convey the same in the manner aforesaid; that said premises are free, clear and unencumbered and that it will warrant and defend the title of said premises against all claims whatsoever, except taxes and assessments due and payable after delivery of this deed.

Executed this 31<sup>st</sup> day of March, 2015.

**FIRST BAPTIST CHURCH OF SYLVANIA** a/k/a **FIRST BAPTIST CHURCH, SYLVANIA**

By: Donald R. Reynolds  
DONALD R. REYNOLDS

Its: Pastor

By: Anthony Koh  
ANTHONY KOH

Its: Chairman of the Board

STATE OF OHIO; LUCAS COUNTY; SS:

Before me a Notary Public in and for said County, personally appeared **DONALD R. REYNOLDS**, Pastor, and **ANTHONY KOH**, Chairman of the Board, of said **FIRST BAPTIST CHURCH OF SYLVANIA a/k/a FIRST BAPTIST CHURCH, SYLVANIA**, who acknowledged that they did sign said instrument as Pastor and Chairman of the Board of said **FIRST BAPTIST CHURCH OF SYLVANIA a/k/a FIRST BAPTIST CHURCH, SYLVANIA**, on behalf of said grantor corporation and by authority of its board of trustees; and that said instrument is the voluntary act and deed of said grantor corporation for the uses and purposes therein expressed.

In Testimony Whereof I have hereunto subscribed my name and affixed my official seal this 31<sup>st</sup> day of March, 2015.



**KARLA G. JUERGENS**  
Notary Public - State of Ohio  
My Commission Expires Aug. 1, 2018

*Karla G. Juergens*  
Notary Public

**THIS INSTRUMENT PREPARED BY:**

Scott M. Graeff, Attorney at Law  
Covrett, Graeff & Wittenberg, Ltd.  
2727 North Holland-Sylvania Road, Suite E  
Toledo, Ohio 43615-1800  
(419) 535-1840

**AFTER RECORDING MAIL TO:**

Grantee

## **EXHIBIT "A"**

Legal Description  
For File: 806964

**Parcel 1 :**

**Lot number two (2) in Max Addition in Sylvania Township, Lucas County, Ohio in accordance with Volume 42-A of Plats, page 65.**

**TD 78-54967**

**Parcel 2:**

**Lot number one (1) in Max Addition in Sylvania Township, Lucas County, Ohio in accordance with Volume 42-A of Plats, page 65.**

**TD 78-54964**

**Parcel 3:**

**That part of the East one-half (1/2) of the Northwest quarter (1/4) Section number fifteen (15), Town nine (9) south, Range six (6) East in Sylvania Township, Lucas County, Ohio, bounded and described as follows: Commencing at a stake in the center of the Maumee Turnpike Road, (also known as Holland-Sylvania Road), at the Southeast corner of land formerly owned by Daniel Butler, eleven (11) chains and twenty-six (26) links from the North line of Section number fifteen (15) in the center of said road; thence Southerly four (4) chains and fifty (50) links to a stake in the center of said road; thence Westerly five (5) chains and sixty-seven (67) links to the East line of the right of way of the Lake Shore and Michigan Southern Railroad Company (formerly Erie and Kalamazoo Railroad Company) thence Northerly four (4) chains and twenty five (25) links to the Southwest corner of said land formerly owned by Daniel Butler; thence Easterly five (5) chains and fifty-nine links to the place of beginning, excepting therefrom the northwesterly one hundred seventy-seven (177) feet thereof. Subject to legal highways.**

**Also**

**The southwesterly one hundred eighty (180) feet of the northwesterly one hundred seventy-seven (177) feet of the following described property: That part of the East one-half (1/2) of the Northwest quarter (1/4) of Section number fifteen (15), Town nine (9) South, Range six (6) East in Sylvania Township, Lucas County, Ohio**

bounded and described as follows: Commencing at a stake in the center of the Maumee Turnpike Road (also known as Holland-Sylvania Road), at the Southeast corner of land formerly owned by Daniel Butler, eleven (11) chains and twenty-six (26) links from the North line of Section number fifteen (15) in the center of said road; thence Southerly four (4) chains and fifty (50) links to a stake in the center of said road; thence westerly five (5) chains and sixty-seven (67) links to the East line of line right of way of The Lake Shore and Michigan Southern Railroad Company (formerly Erie and Kalamazoo Railroad Company), thence northerly four (4) chains and twenty-five (25) links to the Southwest corner of said land formerly owned by Daniel Butler thence Easterly five (5) chains and fifty-nine (59) links to the place of beginning.

TD 78-21711

**Parcel 4:**

The southeasterly one hundred (100) feet of the northwesterly one hundred seventy-seven (177) feet of the following described property: That part of the east one-half (1/2) of the northwest quarter (1/4) of Section number fifteen (15), Town nine (9) South, Range six (6), East in Sylvania Township, Lucas County, Ohio bounded and described as follows: Commencing at a stake in the center of the Maumee Turnpike Road, (also known as Holland-Sylvania Road), at the southeast corner of land formerly owned by Daniel Butler, eleven (11) chains and twenty-six (26) links from the north line of Section number fifteen (15) in the center of said road; thence southerly four (4) chains and fifty (50) links to a stake in the center of said road; thence westerly five (5) chains and sixty-seven (67) links to the east line of the right of way of The Lake Shore and Michigan Southern Railroad Company (formerly Erie and Kalamazoo Railroad Company), thence northerly four (4) chains, and twenty-five (25) links to the southwest corner of said land formerly owned by Daniel Butler, thence easterly five (5) chains and fifty-nine (59) links to the place of beginning, excepting from the above described premises, the southwesterly one hundred eighty (180) feet thereof. Subject to legal highways.

TD 78-21706



**ORDINANCE NO. 18 -2015**

**PROVIDING FOR THE CONTROLLING BLIGHT AND DISEASE OF SHADE TREES AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHT-OF-WAY OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2015; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2015;

WHEREAS, the City Forester, through the Director of Public Service has recommended to Council the removal or special treatment of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2015 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_ members elected thereto concurring:

**SECTION 1.** That it is hereby declared necessary and conducive to public health, convenience and welfare to remove and provide special treatment for shade trees for the purpose of controlling blight and disease of same, and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2015. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.011 of the Revised Code of Ohio.

SECTION 2. That the work of such removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Three Thousand, Five Hundred Seventeen Dollars and 74/100 (\$243,517.74).

SECTION 3. That said cost and expense of removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania in the amount of Two Hundred Forty-Three Thousand, Five Hundred Seventeen Dollars and 74/100 (\$243,517.74) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.011 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be

deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such shade tree work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such shade tree work to be as set forth in this Ordinance.

SECTION 9. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 11. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that provision should be made immediately to provide for tree maintenance and therefore this Ordinance should be effective forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:            Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2015 as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

A



# City Of Sylvania

SYLVANIA CITY COUNCIL  
SHARON M. BUCHER, CLERK

To: Mayor Craig A. Stough and Members of City Council

From: Sharon Bucher, Clerk of Council

### Certificate of Notice

ZA-2-2015  
Board of Education, Sylvania City Schools  
5363 Silica Dr., Sylvania, OH 43560

The undersigned Clerk of Council hereby certifies as follows:

- A. Thirty (30) days of time and place of public hearing was published in the The Blade on March 19, 2015.
- B. Written notice of hearings were mailed by first class mail, twenty (20) or more days prior to the scheduled hearing date to all owners of property within, contiguous to, and directly across the street from the subject parcel or parcels, which owners, so notified, are listed as follows:

<u>Owner</u>	<u>Property Address</u>	<u>Owner Address</u>
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See attached List.

Sharon Bucher      3/19/15  
 Clerk of Council      Date

CITY OF SYLVANIA

ZONING CHANGE FOR 5363 Silica Dr., Sylvania, OH 43560  
PROPERTY OWNER NOTIFICATION LIST



NO.	ADDRESS	OWNER	MAILING ADDRESS	CITY	STATE	ZIP
1	5365 Silica Dr.	Board of Education, Sylvania City Schools	4747 Holland-Sylvania Rd.	Sylvania	OH	43560
2	620 Convent Blvd.	Franciscan Sisters	6832 Convent Blvd, Unite 1	Sylvania	OH	43560
3	5347 Silica Dr.	Sisters of St. Francis of Sylvania Ohio	6832 Convent Blvd.	Sylvania	OH	43560
4						
5						
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12						
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14						
15						

## Board of Architectural Review

Minutes of the regular meeting of April 15, 2015. Mr. Lindsley called the meeting to order.

Members present: Mayor Craig Stough, Daniel Arnold, Brian McCann, and Thomas Lindsley (4) present. Ken Marciniak excused. Zoning Administrator, Timothy Burns present.

Approval of the Minutes of the March 11, 2015 meeting postponed until the May 13, 2015 meeting as copies of the minutes were not included with the members packets.

Item 3 – Regulated Sign – app. no. 12-2015 requested by Julie Graf for Sylvania Senior Center, 7140 Sylvania Avenue, Sylvania, Ohio 43560. Ms. Graf of the Sylvania Senior Center and Mr. Kevin Neifer of Harmon signs present. Application is for a face change to an existing monument sign. Ms. Graf explained that the change is due to an updated company logo and color scheme. Sign is within the limits of the Sylvania Sign Code. Mayor Stough moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 4 – Regulated District Mural – app. no. 13-2015 requested by Katie Cappellini of 5648 Parkwood Boulevard for Sylvania Arts Commission and Downtown Sylvania Association, mural to be located at 6770 Monroe Street, Sylvania, Ohio 43560. Application is for a tile mural on a brick wall structure. Ms. Cappellini was present and explained that the mural would be created by Sister Jane Mary, who has also created many other art pieces in the city, and would be paid for with donations. Mayor Stough stated that it was obvious by the plantings in the area the Art Landseadel had intended for some something such as this, or a possibly a statue, to be installed in that location one day. Mural is within the limits of the Sylvania Code. Mr. Arnold moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 5 – Regulated Sign – app. no. 14-2015 requested by Asmahan Shaheen of Cute Signs, Inc. for Smokehouse Bistro, Sylvania, Ohio 43560. Application is for internally lit channel letter wall sign. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 6 – Regulated Sign – app. no. 15-2015 requested by Sue Sprouse of Harmon Sign for Kingston, 4121 King Road, Sylvania, Ohio 43560. Application is for the removal and replacement of 4 low profile signs, 3 directional signs and 1 delivery sign. Mr. Kevin Neifer was present and explained that the signs would be replacing the existing signs, would have an updated color scheme and company logo, and that a couple of the signs would be relocated on the property. Signs are within the limits of the Sylvania Sign Code. Mayor Stough moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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Item 7 – Regulated Sign – app. no. 16-2015 requested by Brian Heil of Toledo Sign Co. for St. Francis Veterinary Hospital 5544 W. Alexis Rd., Sylvania, Ohio 43560. Mr. Heil of Toledo Sign Co. and Dr. John Dillon of the St. Francis Veterinarian Hospital present. Application is an internally lit channel letter wall sign and for a new monument sign shown in option A of the drawings submitted with the application. Signs are within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 8 – Regulated Sign – app. no. 17-2015 requested by Rick Kwapick of Reason Sign Co. for In & Out Mart, 5566 Alexis Rd., Sylvania, Ohio 43560. Mr. Kwapick present. Application is for an unlit single sided wall sign depicting Boost Mobile. Sign within the limits of the Sylvania Sign Code. Mr. McCann moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 9 – Regulated Sign – app. no. 18-2015 requested by Kevin Neifer of Harmon Signs for Lucas County Auto Title 4900 N. McCord, Sylvania, Ohio 43560. Mr. Neifer present. Application is for a face sign replacement on an existing damaged wall sign. Mr. Neifer stated that the new face would have small updates to the color and logo on the sign. Sign is within the limits of the Sylvania Sign Code. Mayor Stough moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Item 10 – Regulated Sign – app. no. 19-2015 requested by Myra Gueli of Toledo Sign Co. for Mobile Care Group, 5151 S. Main St, Sylvania, Ohio 43560. Ms. Myra Gueli was present and stated that the clock and current face would be removed and replaced with a larger face sign on an existing pole sign. Mr. Burns stated that the pole sign would need to be replaced in 2021 due to a change in the sign code that will go into effect at that time. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

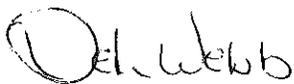
Item 11 – Regulated Sign – app. no. 20-2015 requested by Myra Gueli of Toledo Sign Co. for Advance Billing & Computing Solutions, 5151 S. Main St., Sylvania, Ohio 43560. Application is for a face replacement on an existing pole sign. Mr. Burns stated that the pole sign would need to be replaced in 2021 due to a change of the sign code that will go into effect at that time. Sign is within the limits of the Sylvania Sign Code. Mr. Arnold moved, Mr. McCann seconded, to grant a Certificate of Appropriateness for the sign shown in the drawing submitted with the application. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

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Item 12 – Building Review – app. no. 21-2015 requested by Michael Rowe of Buehrer Group Architecture and Engineering, Inc. for Toledo-Lucas County Public Library (King Road Branch) 4000 King Rd., Sylvania, Ohio 43560. Mr. Kevin Kennedy of HBM Architects and Mr. Rowe of Buehrer Group present. Mr. Kennedy gave a presentation of the design of the new 22,500 sq. ft. library which includes a pavilion in the front of the building that will have glass walls, book stacks that will be located in the middle of the building and an attached garage in the back of the building to provide access for the bookmobiles and other outreach vehicles. He explained that the exterior design of the front of the building is a replication of the fanned pages of an open book; and that the exterior materials front of the building will consist of metal, glass and insulated composite curtain wall panels which will be white in color. He also provided a sample of the metal that will be installed on the back of the building which will not be the same as the expensive materials on the rest of the building but also be white in color and will be made of a galvanized material that will not rust and will be long lasting. He also stated that exterior lighting will not be used and that the night time lighting will be provided by interior lighting coming through the glass walls. Mayor Stough commented that the design of the building is a different look for the City and is a very high quality design and high quality materials and that it will be a great addition to the City. He further added that the design and materials are not the normal architectural materials generally recommended by the City and that if it were going to be located in the downtown area of the City it might not be approved, however it would be a great asset in the location that is planned to be built. Mr. McCann asked when the library will be complete. Mr. Rowe stated that they intend to bid the project out in the early summer and that it would then be completed in about a 12 month time frame. Mayor Stough moved, Mr. Arnold seconded to approve the building design appearance and materials shown in the drawing submitted with the application and presented at the meeting. Vote being: McCann, Arnold, Stough and Lindsley (4) aye; (0) nay. Motion passed by a 4 to 0 vote.

Mr. McCann moved, Mr. Arnold seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary  
Municipal Planning Commission

Sylvania Municipal Planning Commission

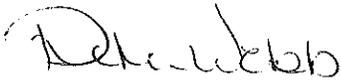
Minutes of the regular meeting of April 15 2015. Mr. Lindsley called the meeting to order.

Members present: Mayor Craig Stough, Daniel Arnold, Brian McCann, and Thomas Lindsley (4) present. Ken Marciniak excused. Zoning Administrator, Timothy Burns present

Approval of the Minutes of the March 11, 2015 meeting postponed until the May 13, 2015 meeting as copies of the minutes were not included with the members packets.

Mr. Arnold moved, Mr. McCann seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary  
Municipal Planning Commission