

**Sylvania City Council**

April 1, 2019

**7:00 p.m. Committee of the Whole**

New City Logo

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

**Agenda**

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Richardson, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mrs. Cappellini.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of March 18, 2019.
5. Recognition for Beka Yang, 5<sup>th</sup> grader at Highland elementary, who qualified for the National Drive, Chip and Putt Competition at Augusta National Golf Club on April 7<sup>th</sup>.
6. Report of Zoning Ordinance Amendment application ZA-1-2018, for property located at 4713 King Road from Bruce J. Fondren, Sr.
7. Ohio Department of Transportation Maintenance Agreement No. 30809.
  - a. Service Director's report on agreement.
  - b. Proposed Ordinance No. 28-2019, Authorizing to enter into a first amendment to Agreement No. 30809 between the State of Ohio and the City of Sylvania for the maintenance of US23.
8. SJARD-Woodrow Child Care Improvements at Veteran's Memorial Field-Water Line Easement.
  - a. Service Director's report on easement.
  - b. Proposed Ordinance No. 29-2019, Accepting an easement from the Sylvania Area Joint Recreation District for the construction and maintenance of a waterline.
9. Woodstream Farms Resurfacing (Phase 1) Project.
  - a. Service Director's report on bids.
  - b. Proposed Ordinance No. 30-2019, Accepting the bid of Gerken Paving, Inc. and award contract for the Woodstream Farms Resurfacing (Phase 1) Project.
10. Sylvania Avenue Sanitary Sewer Extension.
  - a. Service Director's report on Sanitary Sewer Easement Parcel No. 78-31327.
    - a1. Proposed Ordinance No. 31-2019, Accepting an easement from Silica Valley, LLC for construction and maintenance of a public sewer.

- b. Service Director's report on Sanitary Sewer Easement Parcel No. 78-31321.
    - b1. Proposed Ordinance No. 32-2019 Accepting an easement from Silica Properties LLC for construction and maintenance of a public sewer.
  - c. Service Director's report on Sanitary Sewer Easement Parcel No. 82-04544 & 82-04543.
    - c1. Proposed Ordinance No. 33-2019, Accepting an easement from Lock-It-Up, LLC for construction and maintenance of a public sewer.
- 11. Street Banner Permit request from Lourdes University.
  - a. Lourdes Banner Application.
  - b. Proposed Ordinance No. 34-2019, Approving the banner application of Lourdes University.
- 12. Service Director's report on the revisions to the Sylvania Codified Ordinance, Sections 925 and 929. (Referral to the Utilities Committee.)
- 13. Service Director's report on the modifications to the Ditch Maintenance Assessment. (Referral to the Utilities Committee.)
- 14. Confirmation of the Mayor's appointment, Mr. William Pitzen to the Toledo Area Regional Transit Authority Board for a three year term commencing January 1, 2019.
- 15. Notice of transfer of the D5 & D6 liquor permit from Vardean LLC, d/b/a Smokehouse Bistro, 76-25-7627 Sylvania Ave., Sylvania, Ohio to MPN Group LLC, d/b/a Jeds, 7625-7627 Sylvania Ave., Sylvania, Ohio.
- 16. Committee reports.
  - a. Streets Committee from March 25, 2018.
  - b. Safety Committee from March 28, 2018.
  - c. Committee of the Whole from this date at 7:00p.m.
- 17. Committee referrals.

### INFORMATION

- A. Lucas County Commissioner's transmittal letter of complete proceedings for Annexation Petition 2018-6. (4.282 acres-Parcel No.79-72721)

Minutes of the Meeting of Council  
March 18, 2019

The Council of the City of Sylvania, Ohio met in regular session on March 18, 2019 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Patrick Richardson, Mary Westphal; (6) present; Katie Cappellini, (1) absent.

Roll call:  
Cappellini,  
absent, excused.

Pledge of Allegiance to the United States of America led by the Mrs. Westphal.

Pledge of  
Allegiance.

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

The following items were added to the agenda:

- 5a. Schedule a Safety Committee meeting regarding DORA.
- 14. Announcement about a meeting regarding Economic Development.
- 15. Mayor's Announcement.
- D. Notice of Liquor Permit Renewals.

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

Agenda  
approval.

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

Mrs. Husman presented the March 4, 2019 meeting minutes. Mrs. Husman 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 4, 2019 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, (6) yeas; (0) nays. The motion carried.

Approval of the  
March 4  
meeting  
minutes.

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

Mrs. Westphal reported on the public hearing regarding the Designated Outdoor Refreshment Area from 6:30 p.m. this evening. She stated Mr. Luetke reviewed the Ad Hoc Committee's recommendations. Residents spoke in favor and some residents requested changes to boundaries, hours, and to assess the activity after one year. This matter was sent back to Safety Committee for additional review and another public comment session will be scheduled on possible revisions.

Report on  
Public Hearing  
on DORA.

Mr. Frye set a Safety Committee meeting for Thursday, March 28, 2019 at 7:30 a.m. to discuss possible revisions to the proposed DORA.

Set Safety Com.  
Mtg: 3/28/19 at  
7:30 a.m.

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

Minutes of the Meeting of Council  
March 18, 2019

Law Director Brinning reported that the additional information from Bruce J. Fondren, Sr. on zoning ordinance amendment application ZA-1-2018 has not yet been received due to applicant working with their engineer for final plans. Proposed action on this application will be continued until the April 1, 2019.

Continuation of  
action on ZA-1-  
2018 until  
4-1-19.

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

Service Director's report on the 2019 Sidewalk Replacement Program was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 25-2019, "Accepting the proposal of Jennite Company and awarding the contract for the 2019 Sidewalk Replacement Program to same; authorizing the expenditure for the improvements in the amount of \$25,495; appropriating funds therefore; and declaring an emergency." Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Frye; (6) yeas; (0) nays. The motion carried.

Ordinance No.  
25-2019,  
"Accepting  
proposal... 2019  
Sidewalk  
Replacement  
Project..."

Mr. Richardson moved, Mr. Haynam seconded, that Ordinance No. 25-2019 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Richardson, Westphal, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

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

Service Director's report on the Court Security-Level III Impact Resistant Glass was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 26-2019, "Accepting the proposal of Interstate Commercial Glass & Door for the installation of Level III Impact Resistant Glass at the Sylvania Municipal Court; authorizing the Mayor and Director of Finance to accept the proposal on behalf of this City; appropriating funds therefore in the amount of \$49,511; and declaring an emergency." Mrs. Husman moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Richardson, Westphal, Frye, Luetke, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Ordinance No.  
26-2019;  
"Authorizing  
...impact  
resistant glass at  
municipal  
court..."

Mrs. Husman moved, Mr. Frye seconded, that Ordinance No. 26-2019 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Haynam, Husman, Frye, Luetke, Richardson, (6) yeas; (0) nays. The motion carried.

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

Minutes of the Meeting of Council  
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Service Director's report on Dunkin Donuts right-of-way License Agreement was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 27-2019, "Granting a license to Anay Donuts, d/b/a Dunkin Donuts to enter a portion of City owned right-of-way to install and maintain a drive through over public right-of-way; authorizing the Mayor and Director of Finance to sign the license agreement; and declaring an emergency." Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, (6) yeas; (0) nays. The motion carried.

Ordinance No.  
27-2019;  
"Granting right-  
of-way license  
agreement  
...Anay Donuts,  
d/b/a Dunkin  
Donuts...."

Mr. Richardson moved, Mr. Luetke seconded, that Ordinance No. 27-2019 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, (6) yeas; (0) nays. The motion carried.

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

Mayor Stough presented information on the Ohio House Bill 62, Ohio Motor Fuel Tax. Mr. Luetke presented and read aloud by title only, proposed Resolution No. 5-2019, "A Resolution of Sylvania City Council supporting Ohio House Bill 62 and the proposed increase in the Ohio Motor Fuel tax of \$0.18 per gallon and urging Representative Merrin and Senator Gavarone to support House Bill 62; and declaring an emergency." Mr. Luetke moved and there was no second.

Resolution No.  
5-2019;  
"...supporting  
Ohio House Bill  
62, Ohio Motor  
Fuel tax...." NO  
SECOND, Died.

Mayor Stough stated that Council will now consider agenda item 11.

Service Director presented a list of items to be offered for sale. Mr. Haynam moved, Mrs. Westphal seconded to authorize the sale of items from the Parks & Forestry Division on GovDeals.com since they are no longer needed by the City; roll call vote being: Luetke, Richardson, Westphal, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

Items for  
GovDeals.com.

Mayor Stough stated that since there were no items for agenda items 12 and 13, Council will now consider agenda item 14.

Mr. Luetke reported Professor Raymond Lorenzo, Consultant of Urban Planning, Design and Management will meet with City leaders, DSA and the Chamber on Thursday at the Sylvania Library at 2:00p.m. to help communities develop their downtowns and other neighborhoods to create a sense of place.

Mtg with Prof.  
Raymond  
Lorenzo,  
Consultant of  
Urban Planning,  
etc.

Minutes of the Meeting of Council  
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Mayor Stough stated that Council will now consider agenda item 15.

Mayor Stough read a Proclamation for Chief William H. Rhodus, proclaiming Monday, March 18, 2019 as Chief William H. Rhodus Day in the City of Sylvania and sincerely thanking him for his dedicated service to our community since 1983.

Chief William  
H. Rhodus  
Proclamation.

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

Mrs. Westphal moved, Mr. Luetke seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:20 p.m.

Adjournment.

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Clerk of Council

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Mayor



OFFICE OF THE MAYOR

William D. Sanford

Economic Development /

Admin. Services Coordinator

**CITY COUNCIL AGENDA – APRIL 1, 2019**

**BEKA YANG RECOGNITION**

Beka has qualified for the National Drive, Chip and Putt Competition to be held at Augusta National Golf Club on April 7<sup>th</sup>. She placed first in her age group and qualified for this competition at Muirfield Country Club in Dublin, Ohio.

Beka is 10 years old and is a fifth grader at Highland Elementary School. She is the daughter of Theng Houa and Gaono Yang. She started golfing at three years old and started competing when she was seven years old.

She and her family are big fans of the Marathon Classic Golf Tournament here in Sylvania and they attend the tournament every year.

The City of Sylvania wishes to acknowledge her achievement and wish her well in the competition on April 7<sup>th</sup> at Augusta National Golf Club.



March 27, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Ohio Department of Transportation (ODOT)**  
**Maintenance Agreement No. 30809**

Dear Mr. Mayor and Council Members:

A broken storm sewer and catch basins were discovered during construction of our River Trail Phase 2 project. This infrastructure is within the area included in the referenced maintenance agreement. Therefore, the repair and associated costs are ODOT's to bear.

Because our contractor was on site and the necessary equipment was in place, all parties agreed to allow our contractor to make the necessary repairs on a force account basis.

ODOT is proposing the attached amendment to the agreement to address the costs of the repair. In lieu of payments, credits, etc. with various accounts they are proposing to waive the annual payment of \$33,000 to them for 2019.

We find this to be a very satisfactory proposal and recommend its' approval. Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service  
KGA/dsw



**FIRST AMENDMENT TO  
MAINTENANCE AGREEMENT No. 30809  
BETWEEN THE  
OHIO DEPARTMENT OF TRANSPORTATION  
AND THE  
CITY OF SYLVANIA, OHIO**

This FIRST AMENDMENT to ODOT Agreement No. 30809 is entered into by and between the State of Ohio, Department of Transportation, hereinafter referred to as "ODOT", 1980 West Broad Street, Columbus, Ohio 43223, and the CITY OF SYLVANIA, hereinafter referred to as the "CITY". Hereinafter, ODOT and the CITY will be referred to as the "Parties".

The Parties agree to amend the terms and conditions of the original Agreement signed on June 8, 2017 as follows:

- A. Section 2.4, will not be billed \$33,000 for the second year of the agreement year 2019.
- B. Section 3.3, ODOT agrees to not bill in the sum of \$33,000 for second year of agreement year 2019.
- C. No compensation will be given to the City of Sylvania for work performed and paid for by the City during the entire agreement.

IN WITNESS THEREFORE, the parties hereunto have caused this AMENDMENT to the original Agreement to be executed by officials thereunto duly authorized as of the day and year last written below.

CITY OF SYLVANIA

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

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

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

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

STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Jack Marchbanks, Director

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

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**ORDINANCE NO. 28 2019**

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A FIRST AMENDMENT TO AGREEMENT NO. 30809 BETWEEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND THE CITY OF SYLVANIA FOR THE MAINTENANCE OF US23 WITHIN THE CITY LIMITS; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 45-2017, passed June 5, 2017, authorized the Mayor and Director of Finance to enter into an Agreement with the State of Ohio, Department of Transportation for the maintenance of US23 within the City limits at a cost of \$33,000 per year; and,

WHEREAS, during the construction of River Trail Phase 2, broken storm sewer and catch basins were discovered in the area required to be maintained by the Ohio Department of Transportation ("ODOT") pursuant to the terms of the Agreement authorized by Ordinance No. 45-2017; and,

WHEREAS, ODOT and the City agreed to permit the City's on-site contractor to make the necessary repairs at a cost of approximately \$7,600; and,

WHEREAS, ODOT has proposed the First Amendment to Agreement No. 30809, a copy of which is attached hereto as "Exhibit A," which provides that in exchange for the City completing the repair work in the ODOT area, ODOT is waiving the City's required payment of \$33,000 for 2019; and,

WHEREAS, the Director of Public Service, by report dated March 27, 2019, has recommended approval of the First Amendment to Maintenance Agreement No. 30809 between the Ohio Department of Transportation and the City of Sylvania, Ohio.

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, on behalf of this City, a First Amendment to Maintenance Agreement No. 30809 between the Ohio Department of Transportation for the maintenance of US 23 within the City limits in the form and substance of said First Amendment to Maintenance Agreement now on file with the Clerk of Council.

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 First Amendment to Maintenance Agreement should be entered into immediately to provide for the payment of the repairs made by the City to ODOT storm sewer and catch basins. 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, \_\_\_\_\_, 2019 as an emergency measure.

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

ATTEST:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**FIRST AMENDMENT TO  
MAINTENANCE AGREEMENT No. 30809  
BETWEEN THE  
OHIO DEPARTMENT OF TRANSPORTATION  
AND THE  
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- C. No compensation will be given to the City of Sylvania for work performed and paid for by the City during the entire agreement.

IN WITNESS THEREFORE, the parties hereunto have caused this AMENDMENT to the original Agreement to be executed by officials thereunto duly authorized as of the day and year last written below.

CITY OF SYLVANIA

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

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

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

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

STATE OF OHIO  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Jack Marchbanks, Director

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

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DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

April 1, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania Area Joint Recreation District**  
**Woodrow Child Care Improvements at Veteran's Memorial Field**  
**Water Line Easement**

Dear Mr. Mayor and Council Members:

The Sylvania Area Joint Recreation District (SAJRD) is proposing site improvements to the Woodrow Child Care facility located at 5911 Woodrow Drive. The parking lot is being redesigned to provide designated parking spaces for staff and patrons. This improvement will require new drainage facilities and a fully reconstructed pavement section complete with sidewalks around the building.

The City of Sylvania maintains a 6" cast iron water line along the south side of the building that loops together Central Park Avenue and Woodrow Drive water facilities. This short segment of water line has broken three times according to City records with the most recent break occurring in 2013. The Service Department would like to replace and upsize this water line from 6" to 8" ahead of the site improvement project. The work would be done by the City Water Department using operational funds.

A review of the SAJRD owned parcel determined the City does not have a water line easement in place covering construction, operation, and maintenance of this facility over private property. As a result, the City would like to formally secure an easement from SAJRD to ensure this asset is properly protected. The Service Department prepared easement documentation and the SAJRD Board of Trustees approved the easement at their March 26, 2019 meeting.

We would request approval of this easement. Please call with any questions.

Sincerely,

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

## **EASEMENT FOR UTILITY PURPOSES**

KNOW ALL MEN BY THESE PRESENTS: That the **Sylvania Area Joint Recreation District**, whose tax mailing address is 7060 W. Sylvania Avenue, Sylvania, Ohio, 43560, the Grantor, does hereby grant to the **City of Sylvania**, the Grantee, and their successors and assigns, a permanent and exclusive easement to operate and perpetually maintain a water line, in, over and through the following described real property:

TDP #82-01001, 5911 Woodrow Drive, Sylvania, Ohio, 43560

See attached Exhibit

TO HAVE AND TO HOLD said easement rights, with privileges and rights herein set forth, including the right to construct, maintain, and operate without restriction or limitation, repair or replace or remove same, any and all water lines, together with other necessary appurtenances, belonging to the Grantee, its successors and assigns forever.

The Grantor, for itself, its successors and assigns, retains the right of ingress and egress across the attached described property and will not in any way impair the ability of the Grantee to operate, maintain, repair, replace or remove any such water lines.

The Grantor claims title by Instrument Reference 20170919-0041068 in the Deed Records of Lucas County, Ohio.

The Grantor hereby covenants that it is the true and lawful owner of said premises and is well seized of the same, and has good right and full power to grant, bargain, sell and convey the easement rights in the manner aforesaid, subject to zoning and building codes and easements and agreements of record.

IN WITNESS WHEREOF, the said Grantor, **Sylvania Area Joint Recreation District**,  
has hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Sylvania Area Joint Recreation District**

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2019 by **Sylvania Area Joint Recreation District**.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ State of Ohio

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

IN WITNESS WHEREOF, the said Grantee, **City of Sylvania**, has hereunto set their  
hands this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**City of Sylvania, Ohio**

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

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

Approved:

\_\_\_\_\_  
Leslie Brinning, Director of Law

**EXHIBIT A**  
**WATER LINE EASEMENT**

Located in the southeast quarter of Section 4, Town 9 South, Range 6 East, City of Sylvania, Lucas County, State of Ohio and being part of a 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District, by deed recorded in Instrument Reference 201709190041068 in the Deed Records of the Lucas County Recorder's Office and being more particularly described as follows:

Beginning at the northwest corner of Lot 15 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office, said northwest corner also being on the south line of Lot 8 of the Assessor's Plat of the East ½ of the Southeast Quarter of Section Number 4, Town 9 South, Range 6 East, as recorded in Plat Book 2-A, Page 40 in the Deed Records of the Lucas County Recorder's Office, said northwest corner also being on the south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District, as recorded in Instrument Reference 201709190041068 in the Deed Records of the Lucas County Recorder's Office and also being the **TRUE POINT OF BEGINNING**;

Thence on the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District in an westerly direction inclusive of Lot 14 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office and Lot 10 of Central Park Addition, as recorded in Plat Book Volume 41, Page 51 in the Deed Records of the Lucas County Recorder's Office to the northeast corner of Lot 11 of said Central Park Addition;

Thence in a northerly direction perpendicular with the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District 20.00 feet to a point;

Thence in an easterly direction on a line parallel with and 20.00 feet northerly of the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District to a point 20.00 feet northerly of and perpendicular to the said northwest corner of Lot 15 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office;

Thence in a southerly direction perpendicular with the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District to the **TRUE POINT OF BEGINNING**, subject to all legal highways and easements of record.

The above described area is contained within Lucas County Auditor's tax district parcel number 82-01001.



# S.E. 1/4 SEC. 4, T9S, R6E CITY OF SYLVANIA, OHIO

DOROTHY M. STRAUB  
5851 CENTRAL PARK AVENUE  
82-06431  
CENTRAL PARK ADDITION  
LOT 11, N. 30 FT. LOT 12  
PLAT BOOK VOL. 41, PG. 51

①

SYLVANIA JOINT RECREATION DISTRICT  
5911 WOODROW DRIVE  
82-01001  
INSTRUMENT #20170919-0041068

RICKY J. & KATI BARRICKLOW  
5850 WOODROW DRIVE  
82-09424  
PRINTUP'S SUBDIVISION  
LOT 15  
PLAT BOOK VOL. 18, PG. 50

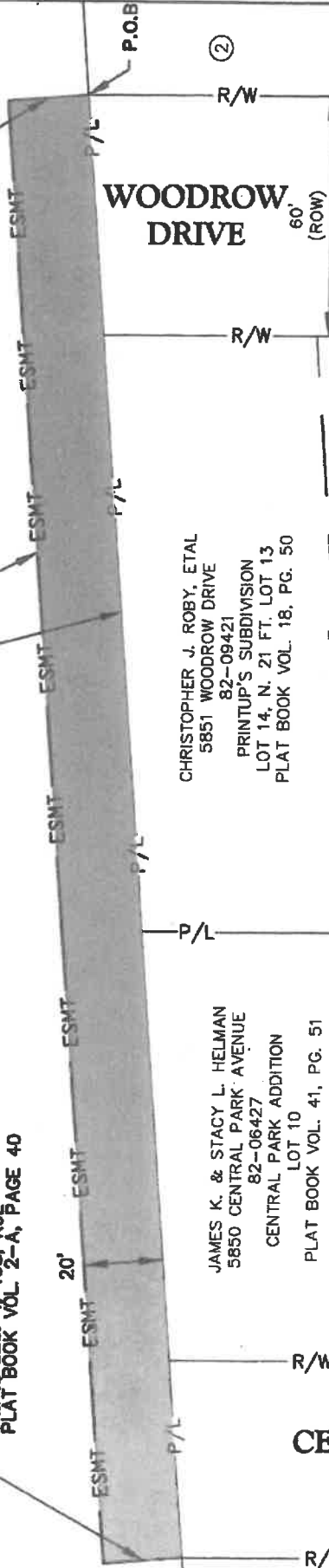
②

20' NORTHERLY & PARALLEL WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

PERPENDICULAR WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

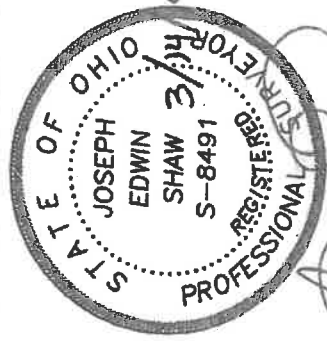
S. LINE, LOT 8, ASSESSOR'S PLAT  
OF E. 1/2 OF S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

PERPENDICULAR WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40



WOODROW  
DRIVE

CENTRAL PARK  
AVENUE



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

DEPARTMENT OF PUBLIC SERVICE

WATER MAIN EASEMENT

5911 WOODROW DRIVE, SYLVANIA, OHIO 43560

LUCAS COUNTY TDP #82-01001



NORTH




HORIZONTAL SCALE IN FEET

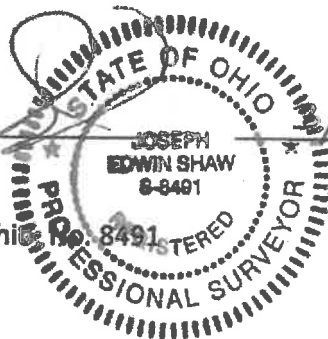
EXHIBIT: B

DRAWN BY: JES

DATE: 3/14/2019

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

 14/19  
\_\_\_\_\_  
Date

**ORDINANCE NO. 29 -2019****ACCEPTING AN EASEMENT FROM THE SYLVANIA AREA JOINT RECREATION DISTRICT ("SAJRD") FOR THE CONSTRUCTION AND MAINTENANCE OF A WATERLINE; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania desires to construct, install and maintain a waterline in, over and through a portion of the property located at 5911 Woodrow Drive, Sylvania, Ohio; and,

WHEREAS, the Director of Public Service has obtained the necessary easement from SAJRD, which easement has been executed and tendered to the City of Sylvania and a copy of said easement in the form and substance of "Exhibit A" is 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 easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from SAJRD, the grantor therein.

SECTION 2. That the easement area identified and described in said easement as set forth on "Exhibit A" be, and the same hereby is, dedicated for the respective public purposes expressed in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded easement document to the Director of Finance for retention by him as custodian of the records of this City.

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 the installation of the waterline should proceed without further delay. 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, \_\_\_\_\_, 2019, 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 **Sylvania Area Joint Recreation District**, whose tax mailing address is 7060 W. Sylvania Avenue, Sylvania, Ohio, 43560, the Grantor, does hereby grant to the **City of Sylvania**, the Grantee, and their successors and assigns, a permanent and exclusive easement to operate and perpetually maintain a water line, in, over and through the following described real property:

TDP #82-01001, 5911 Woodrow Drive, Sylvania, Ohio, 43560

See attached Exhibit

TO HAVE AND TO HOLD said easement rights, with privileges and rights herein set forth, including the right to construct, maintain, and operate without restriction or limitation, repair or replace or remove same, any and all water lines, together with other necessary appurtenances, belonging to the Grantee, its successors and assigns forever.

The Grantor, for itself, its successors and assigns, retains the right of ingress and egress across the attached described property and will not in any way impair the ability of the Grantee to operate, maintain, repair, replace or remove any such water lines.

The Grantor claims title by Instrument Reference 20170919-0041068 in the Deed Records of Lucas County, Ohio.

The Grantor hereby covenants that it is the true and lawful owner of said premises and is well seized of the same, and has good right and full power to grant, bargain, sell and convey the easement rights in the manner aforesaid, subject to zoning and building codes and easements and agreements of record.

IN WITNESS WHEREOF, the said Grantor, **Sylvania Area Joint Recreation District**,  
has hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Sylvania Area Joint Recreation District**

\_\_\_\_\_  
By

\_\_\_\_\_  
Title

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2019 by **Sylvania Area Joint Recreation District**.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ State of Ohio

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

IN WITNESS WHEREOF, the said Grantee, **City of Sylvania**, has hereunto set their  
hands this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**City of Sylvania, Ohio**

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

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

Approved:

\_\_\_\_\_  
Leslie Brinning, Director of Law

**EXHIBIT A**  
**WATER LINE EASEMENT**

Located in the southeast quarter of Section 4, Town 9 South, Range 6 East, City of Sylvania, Lucas County, State of Ohio and being part of a 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District, by deed recorded in Instrument Reference 201709190041068 in the Deed Records of the Lucas County Recorder's Office and being more particularly described as follows:

Beginning at the northwest corner of Lot 15 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office, said northwest corner also being on the south line of Lot 8 of the Assessor's Plat of the East ½ of the Southeast Quarter of Section Number 4, Town 9 South, Range 6 East, as recorded in Plat Book 2-A, Page 40 in the Deed Records of the Lucas County Recorder's Office, said northwest corner also being on the south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District, as recorded in Instrument Reference 201709190041068 in the Deed Records of the Lucas County Recorder's Office and also being the **TRUE POINT OF BEGINNING**;

Thence on the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District in an westerly direction inclusive of Lot 14 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office and Lot 10 of Central Park Addition, as recorded in Plat Book Volume 41, Page 51 in the Deed Records of the Lucas County Recorder's Office to the northeast corner of Lot 11 of said Central Park Addition;

Thence in a northerly direction perpendicular with the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District 20.00 feet to a point;

Thence in an easterly direction on a line parallel with and 20.00 feet northerly of the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District to a point 20.00 feet northerly of and perpendicular to the said northwest corner of Lot 15 of Printup's Subdivision, as recorded in Plat Book Volume 18, Page 50 in the Deed Records of the Lucas County Recorder's Office;

Thence in a southerly direction perpendicular with the said south line of Lot 8 of the Assessor's Plat and south line of said 36.501 acre tract of land conveyed to the Sylvania Area Joint Recreation District to the **TRUE POINT OF BEGINNING**, subject to all legal highways and easements of record.

The above described area is contained within Lucas County Auditor's tax district parcel number 82-01001.

# S.E. 1/4 SEC. 4, T9S, R6E CITY OF SYLVANIA, OHIO

DOROTHY M. STRAUB  
5851 CENTRAL PARK AVENUE  
82-06431  
CENTRAL PARK ADDITION  
LOT 11, N. 30 FT. LOT 12  
PLAT BOOK VOL. 41, PG. 51

①

SYLVANIA JOINT RECREATION DISTRICT  
5911 WOODROW DRIVE  
82-01001  
INSTRUMENT #20170919-0041068

RICKY J. & KATI BARRICKLOW  
5850 WOODROW DRIVE  
82-09424  
PRINTUP'S SUBDIVISION  
LOT 15  
PLAT BOOK VOL. 18, PG. 50

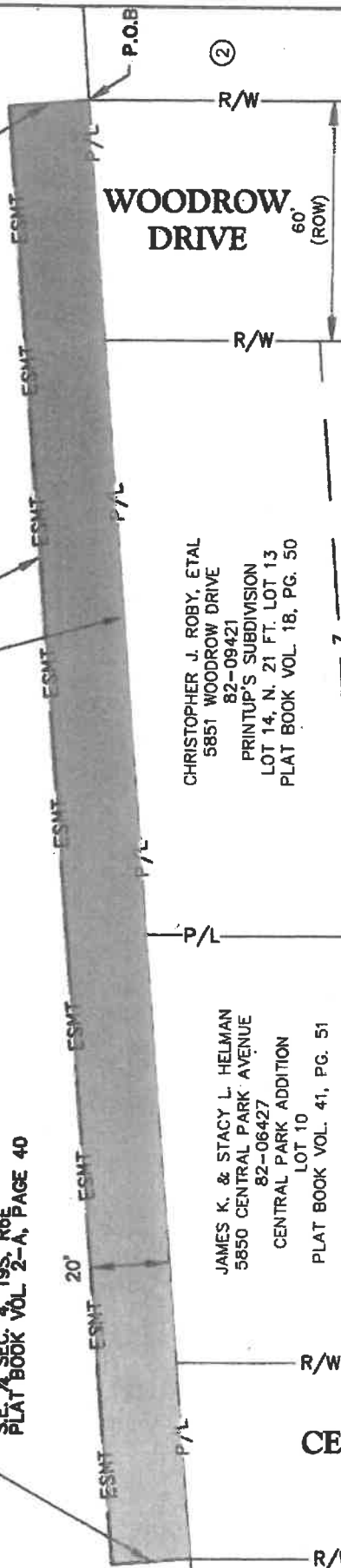
②

20' NORTHERLY & PARALLEL WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

PERPENDICULAR WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

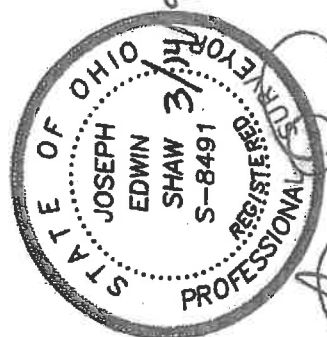
S. LINE, LOT 8, ASSESSOR'S PLAT  
OF E. 1/2 OF S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40

PERPENDICULAR WITH S. LINE,  
LOT 8, ASSESSOR'S PLAT OF E. 1/2 OF  
S.E. 1/4 SEC. 4, T9S, R6E  
PLAT BOOK VOL. 2-A, PAGE 40



WOODROW  
DRIVE

CENTRAL PARK  
AVENUE



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

DEPARTMENT OF PUBLIC SERVICE

WATER MAIN EASEMENT

6911 WOODROW DRIVE, SYLVANIA, OHIO 43560  
LUCAS COUNTY TDP #82-01001




EXHIBIT: B


DRAWN BY: JES

DATE: 3/14/2019



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

 14/19  
Date

9a



April 1, 2019

To: The Mayor and Members of Sylvania City Council

Re: **WOODSTREAM FARMS RESURFACING (PHASE 1)**

Dear Mr. Mayor and Council Members:

We received bids on March 22, 2019 for the above referenced project. There were a total of five (5) bids received.

The lowest bid was submitted by Gerken Paving, Inc. of Napoleon, Ohio. Their bid of \$268,816.65 was approximately 15.8% under the Engineer's Estimate of \$319,128.

Gerken Paving, Inc. has performed multiple paving projects for the City both as a prime contractor and subcontractor. Their most recent projects in the City include River Crossing Improvements (2018), Hedingham and Tantallon Resurfacing (2018), Municipal Court Parking Lot Expansion & Resurfacing (2016) and King Road Widening & Resurfacing (2016).

Therefore, it is our recommendation that the contract be awarded to Gerken Paving, Inc. in the amount of \$268,816.65.

Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin G. Aller", is written over a horizontal line.

Kevin G. Aller, P.E.

Director of Public Service

dsw

9b

ORDINANCE NO. 30 -2019

**ACCEPTING THE BID OF GERKEN PAVING, INC. AND AWARDING THE CONTRACT FOR THE WOODSTREAM FARMS RESURFACING (PHASE 1) PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$268,816.65; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.**

WHEREAS, plans for the Woodstream Farms Resurfacing (Phase 1) Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the March 4, 2019 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on March 22, 2019, and thereafter, the Director of Public Service, by report dated April 1, 2019, stated that the total engineer's estimate for the Woodstream Farms Resurfacing (Phase 1) Project was \$319,128 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Gerken Paving, Inc.	\$ 268,816.65
Bowers Asphalt	277,792.20
Crestline Paving	299,879.00
Henry W. Bergman	321,748.30
Helms and Sons	347,932.05

WHEREAS, the five (5) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated April 1, 2019, has recommended acceptance of the lowest and best bid of Gerken Paving, Inc. and that the contract for the Woodstream Farms Resurfacing (Phase 1) Project be awarded to same.

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

**SECTION 1.** That the bid of Gerken Paving, Inc., Napoleon, Ohio for said Woodstream Farms Resurfacing (Phase 1) Project, in the amount of Two Hundred Sixty-Eight Thousand Eight

Hundred Sixteen and 65/100 Dollars (\$268,816.65), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

SECTION 2. That the Mayor and Director of Finance be, and hereby are, authorized and directed to execute a contract with the bidder named in Section 1 above for the furnishing of such labor and materials in accordance with said bid.

SECTION 3. That to provide funds for said improvements hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503, Street Improvements**, the total sum of Two Hundred Sixty-Eight Thousand Eight Hundred Sixteen and 65/100 Dollars (\$268,816.65).

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 the bid of Gerken Paving, Inc. should be accepted immediately so as to provide for the commencement of the Woodstream Farms Resurfacing (Phase 1) Project 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, \_\_\_\_\_, 2019, as an emergency measure.

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

ATTEST:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 28, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania Avenue Sanitary Sewer Extension**  
**Sanitary Sewer Easement Parcel No. 78-31327**

Dear Mr. Mayor and Council Members:

Timberstone Veterinary has been proposed to locate at 7901 Sylvania Avenue, southwest corner of Sylvania Avenue and Silica Road.

A sanitary sewer extension is required to serve the property. Unfortunately, the existing utilities in the right-of-way make it difficult to install the sanitary sewer within the right-of-way, necessitating an easement.

We have reviewed the easement document and recommend its' approval.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw

### EASEMENT FOR UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That Silica Valley, LLC, an Ohio limited liability company, the Grantor, in consideration of One Dollar (\$1.00), and other good and valuable consideration, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement for the construction and maintenance of a public sanitary sewer, in, on, over and through the real estate in Sylvania Township, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B, both of which are attached hereto and adopted by reference herein.

Grantor acquired the fee interest in such parcel, identified as Tax Parcel No. 78-31327, by general warranty deed from Silica Property, LLC filed for record in the Office of the Lucas County Recorder at OR 201903080008637.

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, its 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 hereby covenants that it is the true and lawful owner of said premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

Executed this 8<sup>th</sup> day of March, 2019 by Grantor, Silica Valley, LLC, an Ohio limited liability company, through its duly authorized President Jennifer L. Tate.

SILICA VALLEY, LLC  
an Ohio Limited Liability Company

By: Jennifer L. Tate  
Jennifer L. Tate, President

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of March, 2019, by Jennifer L. Tate, President of Silica Valley, LLC, an Ohio limited liability company, on behalf of the Company.

DANIELA J. SANDUCK  
Notary Public, State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

Daniel J. Sanduck  
Notary Public



APPROVED:

CITY OF SYLVANIA, OHIO

Leslie Brinning, Esq., Law Director

By: Craig A. Stough, Mayor

By: Toby Schroyer, Director of Finance

THIS INSTRUMENT PREPARED BY:

John J. McHugh, III  
5580 Monroe Street  
Sylvania, OH 43560

**EXHIBIT "A"**

**SILICA VALLEY, LLC  
A 35 Foot Wide Sanitary Sewer Easement  
5886.6 Sq.Ft. Parcel**

That part of the Northeast 1/4 of Section 20, Town 9 South, Range 6 East in Sylvania Township, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the intersection of the centerlines of Sylvania Avenue (North line of said Section 20) and Silica Road;

Thence South  $89^{\circ}-51'-40''$  West, along the centerline of Sylvania a distance of 54.84 feet to a point;

Thence South  $00^{\circ}-08'-20''$  East, a distance of 30.00 feet to a point on the South right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described 35.00 foot wide Sanitary Sewer Easement;

Thence continuing South  $00^{\circ}-08'-20''$  East, a distance of 35.00 feet to a point;

Thence South  $89^{\circ}-51'-40''$  West, parallel to the South right-of-way line of Sylvania Avenue, a distance of 167.97 feet to a point;

Thence North  $00^{\circ}-51'-46''$  West, a distance of 35.00 feet to a point on the South right-of-way line of Sylvania Avenue

Thence North  $89^{\circ}-51'-40''$  East, along the South right-of-way line of Sylvania Avenue, a distance of 168.41 feet to the point of BEGINNING.

Containing 5886.6 square feet more or less, all of which comes from Parcel No. 78-31327.

  
George V. Oravec, P.S.#5439





# EXHIBIT "B" FOR THE 5886.6 SQ.FT. PARCEL ORAVECZ & ASSOCIATES, LLC

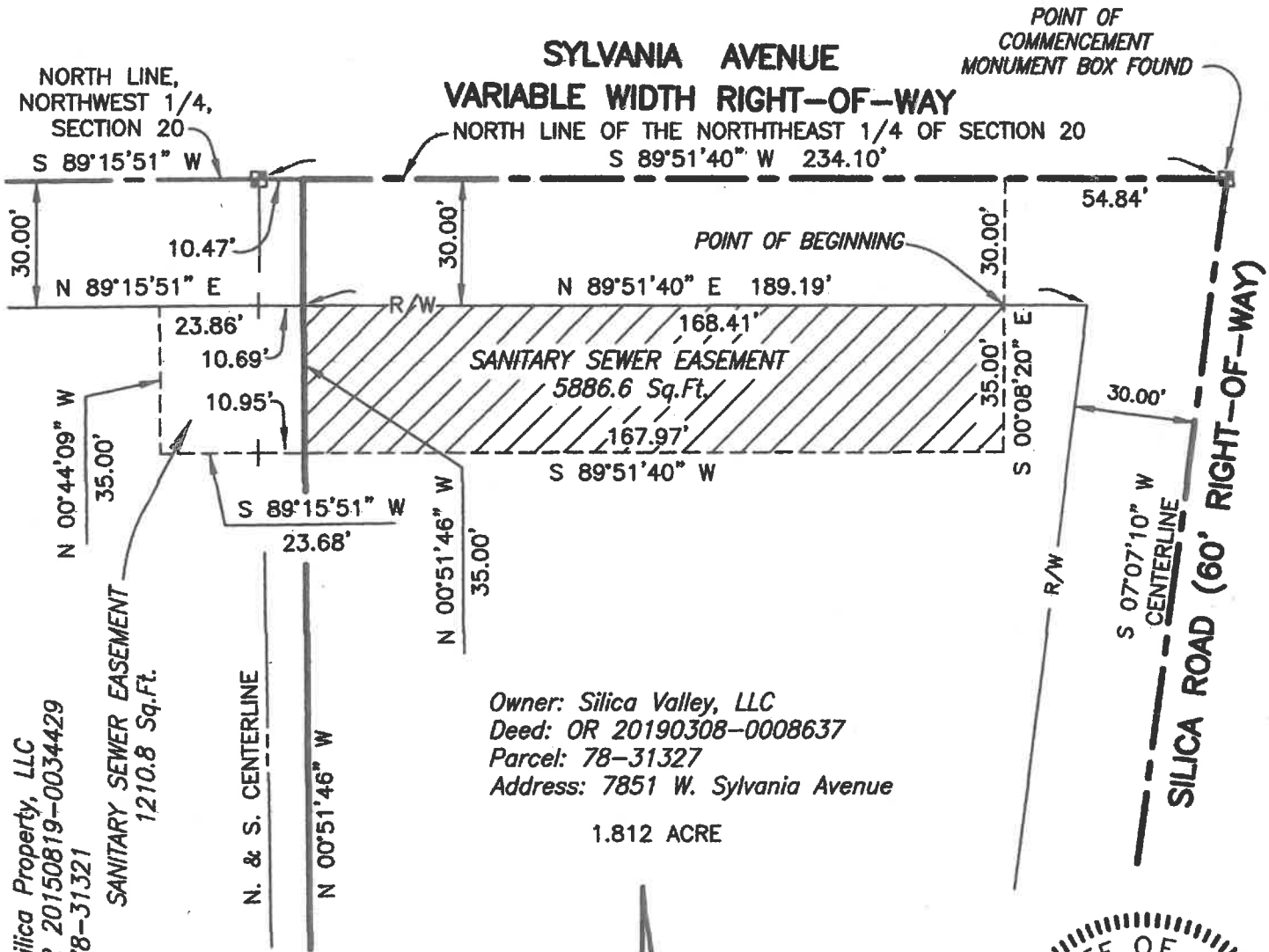
**SURVEYORS & ENGINEERS**

OFFICE: 419-474-6664, 419-474-2405  
GORAVECZ@ORAVECZASSOCIATES.COM  
5333 SECOR ROAD, SUITE 2 TOLEDO OHIO 43623

## 35' WIDE SANITARY SEWER EASEMENT

PART OF THE N.E. 1/4 OF SECTION 20, TOWN 9 SOUTH, RANGE 6 EAST  
SYLVANIA TOWNSHIP LUCAS COUNTY OHIO

**SILICA VALLEY, LLC**



☐ - MONUMENT BOX FOUND



Scale 1" = 40'

The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.



George V. Oravec Registered Surveyor No. 5439  
Order No.: 23324-1  
Date: 2/23/2019

10a1.

**ORDINANCE NO. 31 -2019**

**ACCEPTING AN EASEMENT FROM SILICA VALLEY, LLC FOR THE  
CONSTRUCTION AND MAINTENANCE OF A PUBLIC SEWER; AND  
DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania desires to construct, install and maintain a public sewer in, over and through a portion of the property located along Sylvania Ave., Sylvania, Ohio; and,

WHEREAS, the Director of Public Service has obtained the necessary easement from the Silica Valley, LLC, which easement has been executed and tendered to the City of Sylvania and a copy of said easement in the form and substance of "Exhibit A" is 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 easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Silica Valley, LLC, the grantor therein.

SECTION 2. That the easement area identified and described in said easement as set forth on "Exhibit A" be, and the same hereby is, dedicated for the respective public purposes expressed in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded easement document to the Director of Finance for retention by him as custodian of the records of this City.

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 the installation of the sanitary sewer should proceed without further delay. 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, \_\_\_\_\_, 2019, 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 Silica Valley, LLC, an Ohio limited liability company, the Grantor, in consideration of One Dollar (\$1.00), and other good and valuable consideration, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement for the construction and maintenance of a public sanitary sewer, in, on, over and through the real estate in Sylvania Township, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B, both of which are attached hereto and adopted by reference herein.

Grantor acquired the fee interest in such parcel, identified as Tax Parcel No. 78-31327, by general warranty deed from Silica Property, LLC filed for record in the Office of the Lucas County Recorder at OR 201903080008637.

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, its 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 hereby covenants that it is the true and lawful owner of said premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

Executed this 8<sup>th</sup> day of March, 2019 by Grantor, Silica Valley, LLC, an Ohio limited liability company, through its duly authorized President Jennifer L. Tate.

SILICA VALLEY, LLC  
an Ohio Limited Liability Company

By: Jennifer L. Tate  
Jennifer L. Tate, President

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of March, 2019, by Jennifer L. Tate, President of Silica Valley, LLC, an Ohio limited liability company, on behalf of the Company.

Barbara J. Sandusky  
Notary Public, State of Ohio  
My commission has no expiration date.  
Section 147.03 R.C.

Barbara J. Sandusky  
Notary Public



APPROVED:

CITY OF SYLVANIA, OHIO

Leslie Brinning, Esq., Law Director

By: Craig A. Stough, Mayor

By: Toby Schroyer, Director of Finance

THIS INSTRUMENT PREPARED BY:

John J. McHugh, III  
5580 Monroe Street  
Sylvania, OH 43560

**EXHIBIT "A"**

**SILICA VALLEY, LLC  
A 35 Foot Wide Sanitary Sewer Easement  
5886.6 Sq.Ft. Parcel**

That part of the Northeast 1/4 of Section 20, Town 9 South, Range 6 East in Sylvania Township, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the intersection of the centerlines of Sylvania Avenue (North line of said Section 20) and Silica Road;

Thence South  $89^{\circ}-51'-40''$  West, along the centerline of Sylvania a distance of 54.84 feet to a point;

Thence South  $00^{\circ}-08'-20''$  East, a distance of 30.00 feet to a point on the South right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described 35.00 foot wide Sanitary Sewer Easement;

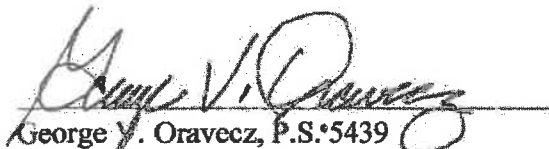
Thence continuing South  $00^{\circ}-08'-20''$  East, a distance of 35.00 feet to a point;

Thence South  $89^{\circ}-51'-40''$  West, parallel to the South right-of-way line of Sylvania Avenue, a distance of 167.97 feet to a point;

Thence North  $00^{\circ}-51'-46''$  West, a distance of 35.00 feet to a point on the South right-of-way line of Sylvania Avenue

Thence North  $89^{\circ}-51'-40''$  East, along the South right-of-way line of Sylvania Avenue, a distance of 168.41 feet to the point of BEGINNING.

Containing 5886.6 square feet more or less, all of which comes from Parcel No. 78-31327.

  
George V. Oravec, P.S.\*5439



# EXHIBIT "B" FOR THE 5886.6 SQ.FT. PARCEL ORAVECZ & ASSOCIATES, LLC

SURVEYORS & ENGINEERS

OFFICE: 419-474-6664, 419-474-2405

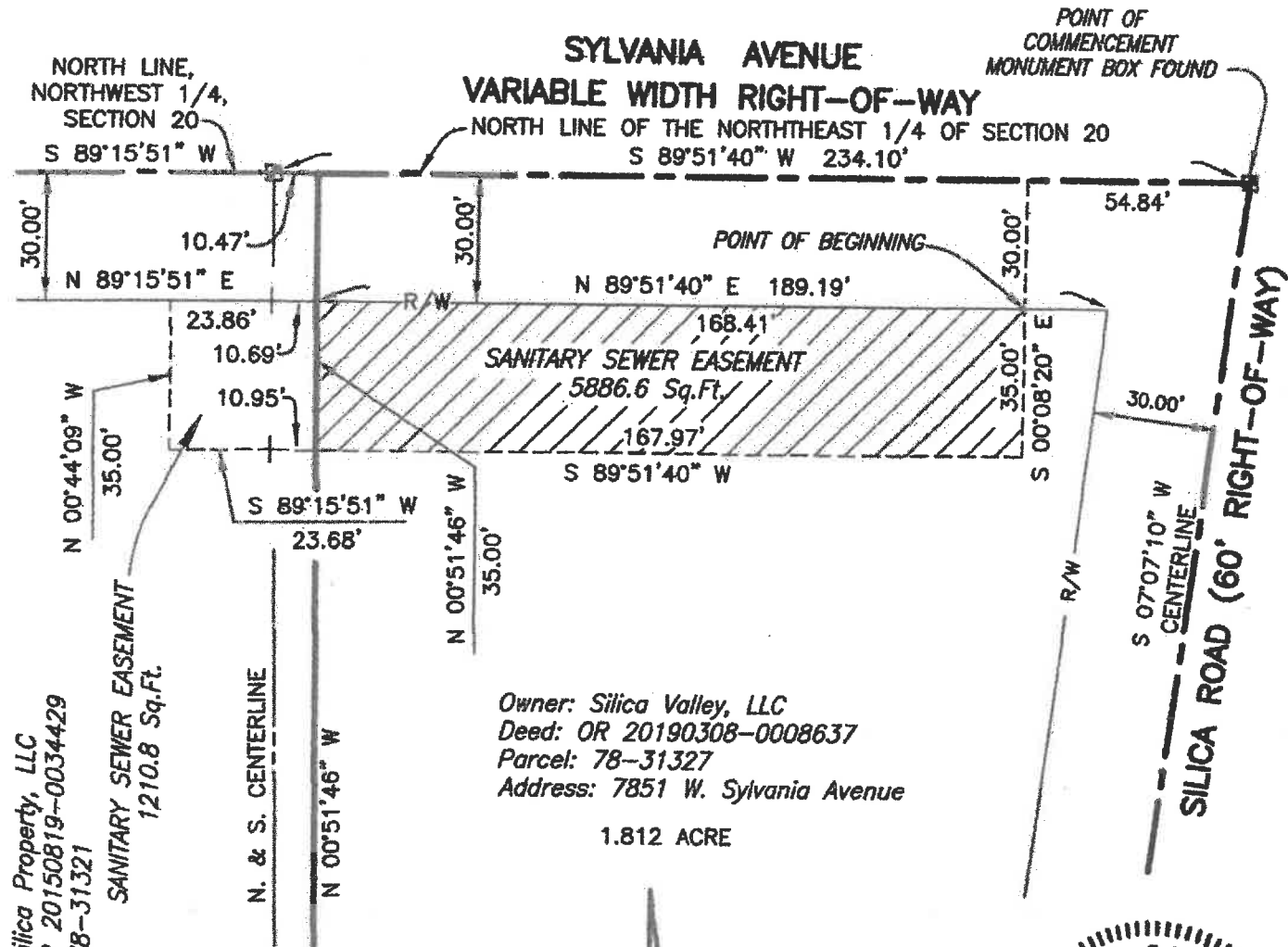
GORAVECZ@ORAVECZASSOCIATES.COM

5333 SECOR ROAD, SUITE 2 TOLEDO OHIO 43623

## 35' WIDE SANITARY SEWER EASEMENT

PART OF THE N.E. 1/4 OF SECTION 20, TOWN 9 SOUTH, RANGE 6 EAST  
SYLVANIA TOWNSHIP LUCAS COUNTY OHIO

SILICA VALLEY, LLC



Owner: Silica Valley, LLC  
Deed: OR 20190308-0008637  
Parcel: 78-31327  
Address: 7851 W. Sylvania Avenue

1.812 ACRE

MONUMENT BOX FOUND



Scale 1" = 40'

The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.



George V. Oravec Registered Surveyor No. 5439  
Order No.: 23324-1  
Date: 2/23/2019

106



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 28, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania Avenue Sanitary Sewer Extension**  
**Sanitary Sewer Easement Parcel No. 78-31321**

Dear Mr. Mayor and Council Members:

Timberstone Veterinary has been proposed to locate at 7901 Sylvania Avenue, southwest corner of Sylvania Avenue and Silica Road.

A sanitary sewer extension is required to serve the property. Unfortunately, the existing utilities in the right-of-way make it difficult to install the sanitary sewer within the right-of-way, necessitating an easement.

We have reviewed the easement document and recommend its' approval.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw



## EASEMENT FOR UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That SILICA PROPERTY, LLC, an Ohio limited liability company, the Grantor, in consideration of one dollar (\$1.00), and other good and valuable considerations, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, a non-exclusive easement for the construction and maintenance of a public sanitary sewer, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B as attached hereto.

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.

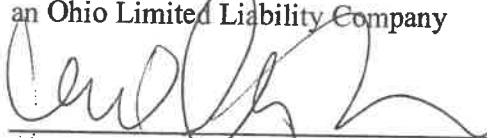
The Grantor, its successors and assigns, retains the right to use the attached described property for any and all purposes, provided that such use does not interfere with nor impair the exercise of the rights herein granted.

The Grantor claim title by instrument recorded in Instrument Number 20150819-0034429 in the Deed Records of the Lucas County Recorder's Office.

The Grantor hereby covenants that it is the true and lawful Owner of said premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

Executed this 1<sup>st</sup> day of March, 2019 by Grantor, Silica Property, LLC, an Ohio Limited Liability Company, through its duly authorized member and representative, Richard B. Stansley, Jr.

SILICA PROPERTY, LLC  
an Ohio Limited Liability Company


  
Richard B. Stansley, Jr., Member

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 1<sup>ST</sup> day of March, 2019, by Richard B. Stansley, Jr., a duly authorized member of Silica Property, LLC, an Ohio Limited Liability Company, on behalf of the Company.



LAURALEE B. O'NEIL  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
03-23-2022

  
Notary Public  
My commission expires:

APPROVED:

City of Sylvania, Ohio

\_\_\_\_\_  
Leslie Brinning, Esq., Law Director

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

THIS INSTRUMENT PREPARED BY:  
Christopher F. Parker (0009338)  
405 Madison Ave., Suite 2200  
Toledo, Ohio 43604

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

# EXHIBIT "B" FOR THE 1210.8 SQ.FT. PARCEL ORAVECZ & ASSOCIATES, LLC

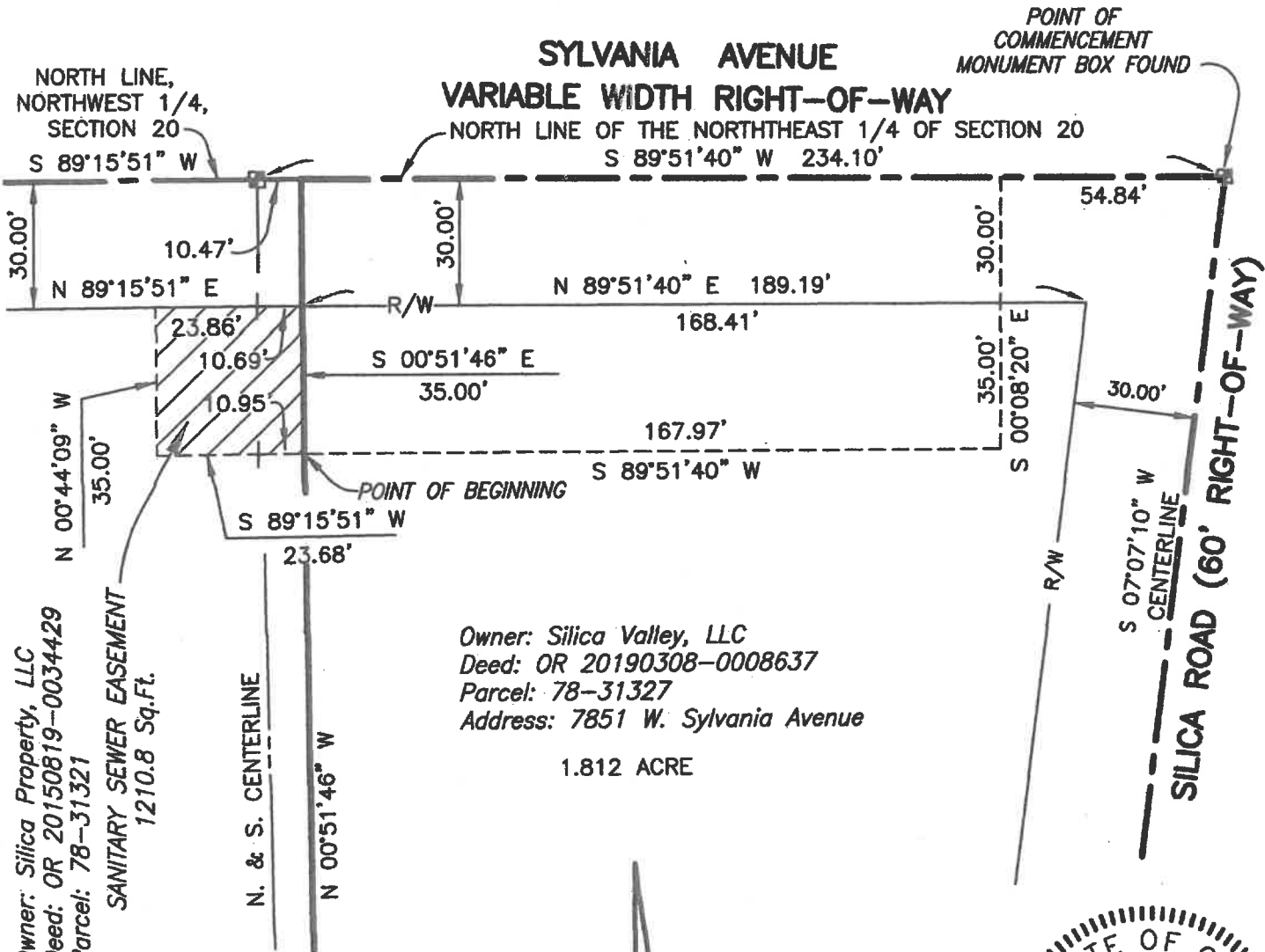
**SURVEYORS & ENGINEERS**

OFFICE: 419-474-6664, 419-474-2405  
GORAVECZ@ORAVECZASSOCIATES.COM  
5333 SECOR ROAD, SUITE 2 TOLEDO OHIO 43623

## 35' WIDE SANITARY SEWER EASEMENT

PART OF THE N.W. AND N.E. 1/4 OF SECTION 20, TOWN 9 SOUTH, RANGE 6 EAST  
SYLVANIA TOWNSHIP LUCAS COUNTY OHIO

**SILICA PROPERTY, LLC**



■ - MONUMENT BOX FOUND



Scale 1" = 40'

The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.



George V. Oravec Registered Surveyor No. 5439  
Order No.: 23324-1  
Date: 2/23/2019

**EXHIBIT "A"**

**SILICA PROPERTY, LLC  
A 35 Foot Wide Sanitary Sewer Easement  
1210.8 Sq.Ft. Parcel**

That part of the Northwest 1/4 and Northeast 1/4 of Section 20, Town 9 South, Range 6 East in Sylvania Township, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the intersection of the centerlines of Sylvania Avenue (North line of said Section 20) and Silica Road;

Thence South 89°-51'-40" West, along the centerline of Sylvania a distance of 54.84 feet to a point;

Thence South 00°-08'-20" East, a distance of 30.00 feet to a point on the South right-of-way line of Sylvania Avenue;

Thence continuing South 00°-08'-20" East, a distance of 35.00 feet to a point;

Thence South 89°-51'-40" West, a distance of 167.97 feet to a point, said point being the point of BEGINNING of the hereinafter described 35.00 foot wide Sanitary Sewer Easement;

Thence continuing South 89°-51'-40" West, a distance of 10.95 feet to a point;

Thence South 89°-15'-51" West, a distance of 23.68 feet to a point;

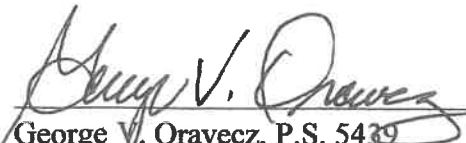
Thence North 00°-44'-09" West, a distance of 35.00 feet to a point on the South right-of-way line of Sylvania Avenue

Thence North 89°-15'-51" East, along the South right-of-way line of Sylvania Avenue, a distance of 23.86 feet to a point;

Thence North 89°-51'-40" East, along the South right-of-way line of Sylvania Avenue, a distance of 10.69 feet to a point;

Thence South 00°-51'-46" East, a distance of 35.00 feet to the point of BEGINNING.

Containing 1210.8 sq.ft., more or less, all of which comes from Parcel No. 78-31321.

  
George V. Oravec, P.S. 5439



**ORDINANCE NO. 32 -2019****ACCEPTING AN EASEMENT FROM SILICA PROPERTY, LLC FOR  
THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC SEWER;  
AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania desires to construct, install and maintain a public sewer in, over and through a portion of the property located along Sylvania Ave., Sylvania, Ohio; and,

WHEREAS, the Director of Public Service has obtained the necessary easement from the Silica Property, LLC, which easement has been executed and tendered to the City of Sylvania and a copy of said easement in the form and substance of "Exhibit A" is 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 easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from the Silica Property, LLC, the grantor therein.

SECTION 2. That the easement area identified and described in said easement as set forth on "Exhibit A" be, and the same hereby is, dedicated for the respective public purposes expressed in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded easement document to the Director of Finance for retention by him as custodian of the records of this City.

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 the installation of the sanitary sewer should proceed without further delay. 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, \_\_\_\_\_, 2019, 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 SILICA PROPERTY, LLC, an Ohio limited liability company, the Grantor, in consideration of one dollar (\$1.00), and other good and valuable considerations, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, a non-exclusive easement for the construction and maintenance of a public sanitary sewer, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B as attached hereto.

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, its 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 claim title by instrument recorded in Instrument Number 20150819-0034429 in the Deed Records of the Lucas County Recorder's Office.

The Grantor hereby covenants that it is the true and lawful Owner of said premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

EXHIBIT "B" FOR THE 1210.8 SQ.FT. PARCEL  
ORAVECZ & ASSOCIATES, LLC

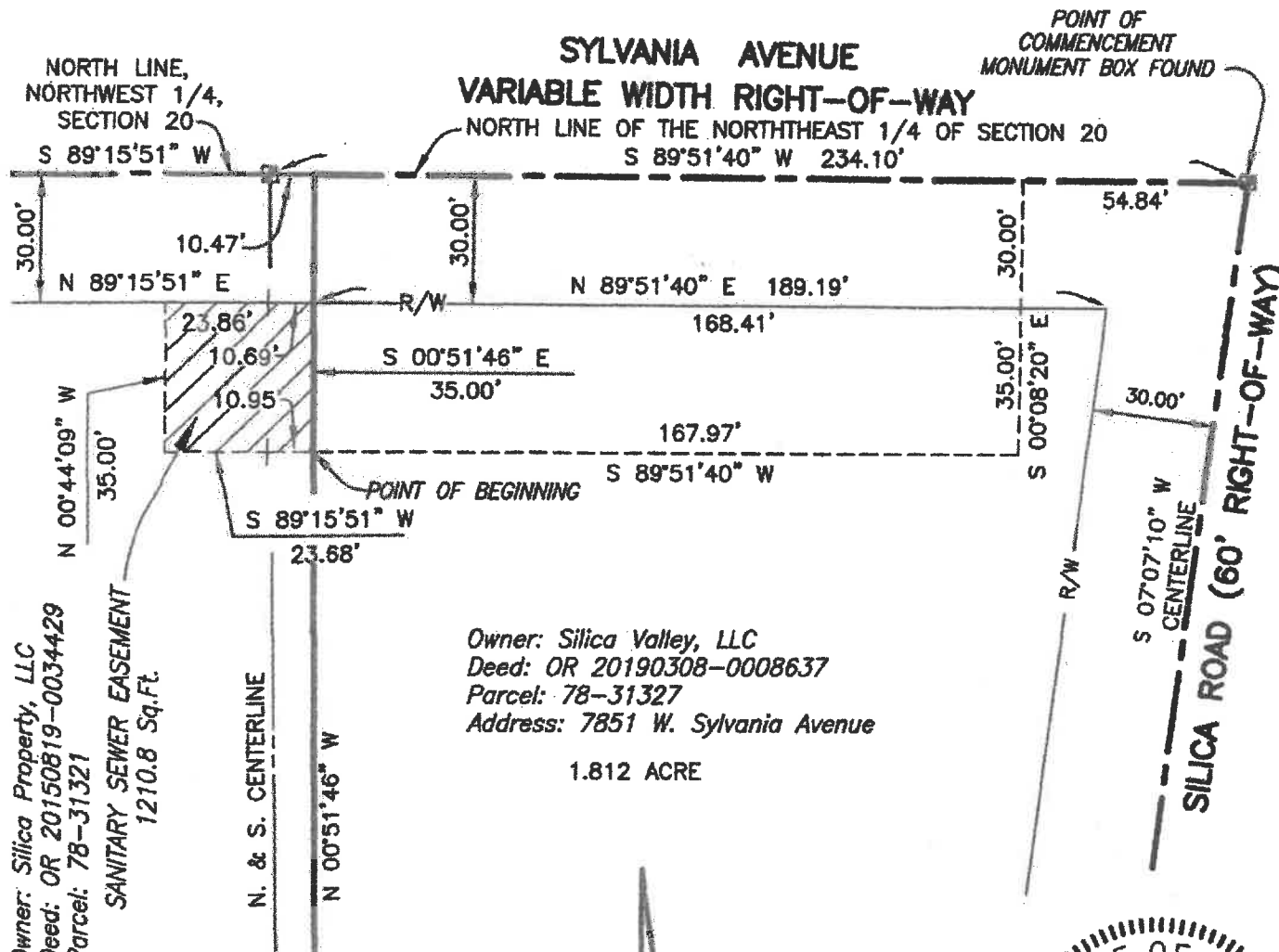
SURVEYORS & ENGINEERS

OFFICE: 419-474-6664, 419-474-2405  
GORAVECZ@ORAVECZASSOCIATES.COM  
5333 SECOR ROAD, SUITE 2 TOLEDO OHIO 43623

35' WIDE SANITARY SEWER EASEMENT

PART OF THE N.W. AND N.E. 1/4 OF SECTION 20, TOWN 9 SOUTH, RANGE 6 EAST  
SYLVANIA TOWNSHIP LUCAS COUNTY OHIO

SILICA PROPERTY, LLC



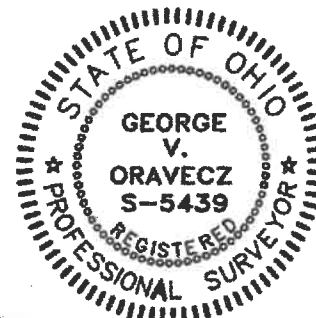
MONUMENT BOX FOUND



Scale 1" = 40'

The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.

George V. Oravec Registered Surveyor No. 5439  
Order No.: 23324-1  
Date: 2/23/2019





**EXHIBIT "A"**

**SILICA PROPERTY, LLC  
A 35 Foot Wide Sanitary Sewer Easement  
1210.8 Sq.Ft. Parcel**

That part of the Northwest 1/4 and Northeast 1/4 of Section 20, Town 9 South, Range 6 East in Sylvania Township, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the intersection of the centerlines of Sylvania Avenue (North line of said Section 20) and Silica Road;

Thence South 89°-51'-40" West, along the centerline of Sylvania a distance of 54.84 feet to a point;

Thence South 00°-08'-20" East, a distance of 30.00 feet to a point on the South right-of-way line of Sylvania Avenue;

Thence continuing South 00°-08'-20" East, a distance of 35.00 feet to a point;

Thence South 89°-51'-40" West, a distance of 167.97 feet to a point, said point being the point of BEGINNING of the hereinafter described 35.00 foot wide Sanitary Sewer Easement;

Thence continuing South 89°-51'-40" West, a distance of 10.95 feet to a point;

Thence South 89°-15'-51" West, a distance of 23.68 feet to a point;

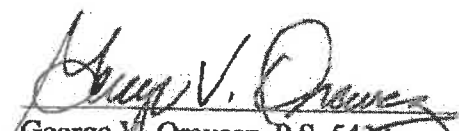
Thence North 00°-44'-09" West, a distance of 35.00 feet to a point on the South right-of-way line of Sylvania Avenue

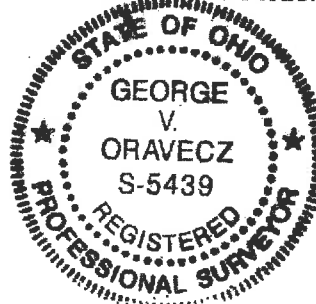
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Thence North 89°-51'-40" East, along the South right-of-way line of Sylvania Avenue, a distance of 10.69 feet to a point;

Thence South 00°-51'-46" East, a distance of 35.00 feet to the point of BEGINNING.

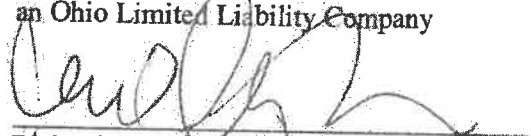
Containing 1210.8 sq.ft., more or less, all of which comes from Parcel No. 78-31321.

  
George V. Oravec, P.S. 5439



Executed this 1<sup>st</sup> day of March, 2019 by Grantor, Silica Property, LLC, an Ohio Limited Liability Company, through its duly authorized member and representative, Richard B. Stansley, Jr.

SILICA PROPERTY, LLC  
an Ohio Limited Liability Company

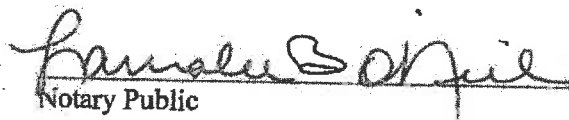
  
Richard B. Stansley, Jr., Member

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 1<sup>ST</sup> day of March, 2019, by Richard B. Stansley, Jr., a duly authorized member of Silica Property, LLC, an Ohio Limited Liability Company, on behalf of the Company.



LAURALEE B. O'NEIL  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
03-23-2022

  
Notary Public  
My commission expires:

APPROVED:

City of Sylvania, Ohio

\_\_\_\_\_  
Leslie Brinning, Esq., Law Director

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

THIS INSTRUMENT PREPARED BY:  
Christopher F. Parker (0009338)  
405 Madison Ave., Suite 2200  
Toledo, Ohio 43604

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

10c



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 28, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania Avenue Sanitary Sewer Extension**  
**Sanitary Sewer Easement Parcel Nos. 82-04544 and 82-04543**

Dear Mr. Mayor and Council Members:

Timberstone Veterinary has been proposed to locate at 7901 Sylvania Avenue, southwest corner of Sylvania Avenue and Silica Road.

A sanitary sewer extension is required to serve the property. Unfortunately, the existing utilities in the right-of-way make it difficult to install the sanitary sewer within the right-of-way, necessitating an easement.

We have reviewed the easement document and recommend its' approval.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.  
Director of Public Service  
KGA/dsw

## EASEMENT FOR UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That LOCK-IT-UP, LLC, an Ohio limited liability company, the Grantor, in consideration of one dollar (\$1.00), and other good and valuable considerations, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, a non-exclusive easement for the construction and maintenance of a public sanitary sewer, in, on, over and through certain real property located in the City of Sylvania, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B, and legally described on Exhibit C, and drawn on Exhibit D (collectively the "Easement Premises").

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, its successors and assigns, retains the right to use the Easement Premises for any and all purposes, provided that such use does not interfere with nor impair the exercise by Grantee of the rights herein granted to Grantee.

The Grantor claims title to the Easement Premises by instruments recorded at Instrument Numbers 20120912-0044029 and 20120912-0044030 of the Deed Records of the Lucas County, Ohio Recorder's Office.

The Grantor hereby covenants that it is the true and lawful Owner of said the Easement Premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

Executed this 25<sup>th</sup> day of March, 2019 by Grantor, Lock-It-Up, LLC, an Ohio limited liability company, through its duly authorized member, Harvey A. Tolson, Trustee of the Second Amended and Restated Trust Agreement of Harvey A. Tolson, dated December 13, 2017.

LOCK-IT-UP, LLC,  
an Ohio limited liability company

Harvey A. Tolson  
Harvey A. Tolson, Trustee of the Second Amended and Restated Trust Agreement of Harvey A. Tolson, dated December 13, 2017, Member

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of March, 2019, by Harvey A. Tolson, Trustee of the Second Amended and Restated Trust Agreement of Harvey A. Tolson, dated December 13, 2017, a duly authorized member of Lock-It-Up, LLC, an Ohio limited liability company, on behalf of the company.



BRANDI L. SCHMIDT  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 03-20-2022

Brandi L. Schmidt  
Notary Public  
My commission expires: 3/20/22

APPROVED:

Leslie Brinning, Esq., Law Director

City of Sylvania, Ohio

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

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

THIS INSTRUMENT PREPARED BY:  
Christopher F. Parker (0009338)  
405 Madison Ave., Suite 2200  
Toledo, Ohio 43604

**EXHIBIT "A"**

**LOCK-IT-UP, LLC  
A 20-Foot Wide Sanitary Sewer Easement  
3110 Sq.Ft. Parcel**

That part of the Southeast 1/4 Section 17, Town 9 South, Range 6 East in the City of Sylvania, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the Southwest corner of the Southeast 1/4 of said Section 17;

Thence South  $89^{\circ}-16'-53''$  East, along the South line of the Southeast 1/4 of said Section 17 said South line also being the centerline of Sylvania a distance of 468.50 feet to the Southeast corner of a parcel of land now or formerly owned by Lock-It-Up, LLC, recorded as Parcel I of OR 20120912-0044029, Lucas County, Ohio records;

Thence North  $00^{\circ}-43'-52''$  East, along the East line of OR 20120912-0044029, a distance of 30.00 feet to a point on the North right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described Sanitary Sewer Easement;

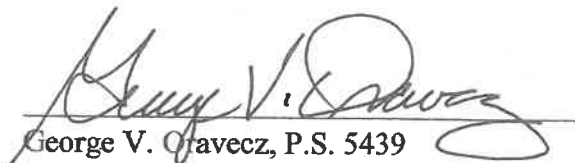
Thence North  $89^{\circ}-16'-53''$  West, along the North right-of-way line of Sylvania Avenue, a distance of 155.50 feet to its point of intersection with the West line of Parcel II of OR 20120912-0044029;

Thence North  $00^{\circ}-43'-52''$  East, along the West line of Parcel II of OR 20120912-0044029, a distance of 20.00 feet to a point;

Thence South  $89^{\circ}-16'-53''$  East, parallel to the North right-of-way line of Sylvania, a distance of 155.50 feet to its point of intersection with the East line of Parcel I of OR 20120912-0044029;

Thence South  $00^{\circ}-43'-52''$  West, a distance of 20.00 feet to the point of BEGINNING.

Containing 3110 square feet, of which 1550 square feet comes from Parcel 82-04543 and 1560 square feet comes from Parcel 82-04544, more or less.

  
George V. Oravec, P.S. 5439



## SURVEYORS & ENGINEERS

**20' WIDE SANITARY SEWER EASEMENT**

LOCK-IT-UP, LLC

N 89°16'53" W 155.50'

Owner: Lock-It-Up, LLC  
Deed: OR 20120912-0044029,  
Parcel 1  
Parcel: 82-04543

Owner: Lock-It-Up, LLC  
Deed: OR 20120912-0044031  
Parcel: 82-05993

SYLVAN TOWNE PLAT THREE  
VOLUME 151 OF PLATS PAGES 9-10  
LOT 19

WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 17

60' B.L.

N 00°43'52" E 110'

140'

N 00°43'52" E

—R/W—  
113.00'

S 89°16'53" E 155.50'

~~R/W.~~

**Intersection of  
Silica Road**

POINT OF  
COMMENCEMENT  
MONUMENT BOX FOUND

S 89°16'53" E 468.50'  
SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 17

SYLVANIA AVENUE  
VARIABLE WIDTH RIGHT-OF-WAY

■ — MONUMENT BOX FOUND



Scale 1" = 40'

A circular professional seal for a surveyor in the State of Ohio. The outer ring contains the text "STATE OF OHIO" at the top and "PROFESSIONAL SURVEYOR" at the bottom, separated by two five-pointed stars. The center of the seal contains the name "GEORGE V. ORAVECZ" and the license number "S-5439". The words "REGISTERED" and "SURVEYOR" are also visible, partially obscured by the central text and the inner border. The seal is surrounded by a decorative border of small, evenly spaced dots.

George V. Oravec Registered Surveyor No. 5439  
Order No.: 23324-1  
Date: 2/23/2019

**EXHIBIT "C"**

**LOCK-IT-UP, LLC  
A 20-Foot Wide Sanitary Sewer Easement  
799.4 Sq.Ft. Parcel**

That part of the Southeast 1/4 of Section 17, Town 9 South, Range 6 East in the City of Sylvania, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the Southwest corner of the Southeast 1/4 of said Section 17;

Thence South 89°-16'-53" East, along the South line of the Southeast 1/4 of said Section 17 said South line also being the centerline of Sylvania a distance of 200.00 feet to the Southeast corner of a parcel of land now or formerly owned by Lock-It-Up, LLC, recorded as OR 20120912-0044030, Lucas County, Ohio records;

Thence North 00°-43'-52" East, along the East line of OR 20120912-0044030, a distance of 30.00 feet to a point on the North right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described Sanitary Sewer Easement;

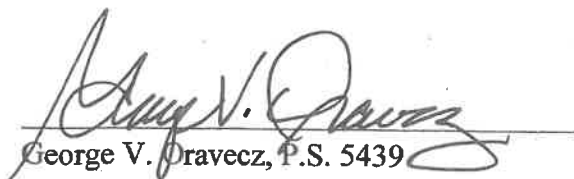
Thence North 89°-16'-53" West, along the North right-of-way line of Sylvania Avenue, a distance of 40.00 feet to a point;

Thence North 00°-43'-52" East, parallel to the East line of OR 20120912-0044030, a distance of 20.00 feet to a point;

Thence South 89°-16'-53" East, parallel to the North right-of-way line of Sylvania, a distance of 40.00 feet to its point of intersection with the East line of OR 20120912-0044030;

Thence South 00°-43'-52" West, a distance of 20.00 feet to the point of BEGINNING.

Containing 799.4 square feet, all of which comes from Parcel 82-04542, more or less.

  
George V. Oravec, P.S. 5439





George V. Dravec Registered Surveyor No. 5439  
Order No. 23324-1  
Date: 2/23/2019



10c1.

**ORDINANCE NO. 33 -2019**

**ACCEPTING AN EASEMENT FROM LOCK-IT-UP, LLC FOR THE  
CONSTRUCTION AND MAINTENANCE OF A PUBLIC SEWER; AND  
DECLARING AN EMERGENCY.**

WHEREAS, the City of Sylvania desires to construct, install and maintain a public sewer in, over and through a portion of the property located along Sylvania Ave., Sylvania, Ohio; and,

WHEREAS, the Director of Public Service has obtained the necessary easement from the Lock-It-Up, LLC, which easement has been executed and tendered to the City of Sylvania and a copy of said easement in the form and substance of "Exhibit A" is 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 easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Lock-It-Up, LLC, the grantor therein.

SECTION 2. That the easement area identified and described in said easement as set forth on "Exhibit A" be, and the same hereby is, dedicated for the respective public purposes expressed in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded easement document to the Director of Finance for retention by him as custodian of the records of this City.

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 the installation of the sanitary sewer should proceed without further delay. 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, \_\_\_\_\_, 2019, 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 LOCK-IT-UP, LLC, an Ohio limited liability company, the Grantor, in consideration of one dollar (\$1.00), and other good and valuable considerations, to it paid by the City of Sylvania, the Grantee, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, a non-exclusive easement for the construction and maintenance of a public sanitary sewer, in, on, over and through certain real property located in the City of Sylvania, Lucas County, Ohio, and legally described on Exhibit A, and drawn on Exhibit B, and legally described on Exhibit C, and drawn on Exhibit D (collectively the "Easement Premises").

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, its successors and assigns, retains the right to use the Easement Premises for any and all purposes, provided that such use does not interfere with nor impair the exercise by Grantee of the rights herein granted to Grantee.

The Grantor claims title to the Easement Premises by instruments recorded at Instrument Numbers 20120912-0044029 and 20120912-0044030 of the Deed Records of the Lucas County, Ohio Recorder's Office.

The Grantor hereby covenants that it is the true and lawful Owner of said the Easement Premises and is well-seized of the same, and has good right and full power to bargain, sell and convey the same in the manner aforesaid.

Executed this 25<sup>th</sup> day of March, 2019 by Grantor, Lock-It-Up, LLC, an Ohio limited liability company, through its duly authorized member, Harvey A. Tolson, Trustee of the Second Amended and Restated Trust Agreement of Harvey A. Tolson, dated December 13, 2017.

LOCK-IT-UP, LLC,  
an Ohio limited liability company

Harvey A. Tolson  
Harvey A. Tolson, Trustee of the Second Amended  
and Restated Trust Agreement of Harvey A. Tolson,  
dated December 13, 2017, Member

STATE OF OHIO, COUNTY OF LUCAS, ss:

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of March, 2019, by Harvey A. Tolson, Trustee of the Second Amended and Restated Trust Agreement of Harvey A. Tolson, dated December 13, 2017, a duly authorized member of Lock-It-Up, LLC, an Ohio limited liability company, on behalf of the company.



BRANDI L. SCHMIDT  
NOTARY PUBLIC - OHIO  
MY COMMISSION EXPIRES 03-20-2022

Brandi L. Schmidt

Notary Public

My commission expires: 3/20/22

APPROVED:

Leslie Brinning, Esq., Law Director

City of Sylvania, Ohio

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

Craig A. Stough, Mayor

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

Toby Schroyer, Director of Finance

THIS INSTRUMENT PREPARED BY:  
Christopher F. Parker (0009338)  
405 Madison Ave., Suite 2200  
Toledo, Ohio 43604

**EXHIBIT "A"**

**LOCK-IT-UP, LLC  
A 20-Foot Wide Sanitary Sewer Easement  
3110 Sq.Ft. Parcel**

That part of the Southeast 1/4 Section 17, Town 9 South, Range 6 East in the City of Sylvania, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the Southwest corner of the Southeast 1/4 of said Section 17;

Thence South  $89^{\circ}-16'-53''$  East, along the South line of the Southeast 1/4 of said Section 17 said South line also being the centerline of Sylvania a distance of 468.50 feet to the Southeast corner of a parcel of land now or formerly owned by Lock-It-Up, LLC, recorded as Parcel I of OR 20120912-0044029, Lucas County, Ohio records;

Thence North  $00^{\circ}-43'-52''$  East, along the East line of OR 20120912-0044029, a distance of 30.00 feet to a point on the North right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described Sanitary Sewer Easement;

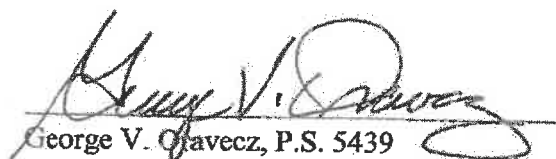
Thence North  $89^{\circ}-16'-53''$  West, along the North right-of-way line of Sylvania Avenue, a distance of 155.50 feet to its point of intersection with the West line of Parcel II of OR 20120912-0044029;

Thence North  $00^{\circ}-43'-52''$  East, along the West line of Parcel II of OR 20120912-0044029, a distance of 20.00 feet to a point;

Thence South  $89^{\circ}-16'-53''$  East, parallel to the North right-of-way line of Sylvania, a distance of 155.50 feet to its point of intersection with the East line of Parcel I of OR 20120912-0044029;

Thence South  $00^{\circ}-43'-52''$  West, a distance of 20.00 feet to the point of BEGINNING.

Containing 3110 square feet, of which 1550 square feet comes from Parcel 82-04543 and 1560 square feet comes from Parcel 82-04544, more or less.

  
George V. Oravec, P.S. 5439



## SURVEYORS & ENGINEERS

GORAVECZ@ORAVECZASSOCIATES.COM

**20' WIDE SANITARY SEWER EASEMENT**

LOCK-IT-UP, LLC

WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 17

SYLVAN TOWNE PLAT THREE  
VOLUME 151 OF PLATS PAGES 9-10  
LOT 19

Owner: Lock-It-Up, LLC  
Deed: OR 20120912-0044031  
Parcel: 82-05993

N 89°16'53" W 155.50'

78.00<sup>b</sup>

77.50'

Owner: Lock-It-Up, LLC

Deed: OR 20120912-0044029,

Parcel: 82-04544

Owner: Lock-It-Up, LLC

Deed: OR 20120912-0044029,  
Parcel 1

Parcel: 82-04543

60' B.L.

N 00°43'52" E

110.

10'

110

N 00°43'52" E

—R/W—  
113.00'

S 89°16'53" E 155.50'

N 89°16'53" W 155.50'

**POINT OF BEGINNING**

78.00'

77.50'

S 89°16'53" E 468.50'  
1 LINE OF THE SOUTHEAST 1/4 OF SECTION 17

SYLVANIA AVENUE  
VARIABLE WIDTH RIGHT-OF-WAY

■ - MONUMENT BOX FOUND

A horizontal number line is shown with tick marks at intervals of 10, labeled 0, 10, 20, 30, and 40. The segment between 10 and 30 is shaded gray.

Scale 1" = 40'

*The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.*

George V. Oravec Registered Surveyor No. 5439

Order No: 23324-1

**Date:** 2/23/2019



**EXHIBIT "C"**

**LOCK-IT-UP, LLC  
A 20-Foot Wide Sanitary Sewer Easement  
799.4 Sq.Ft. Parcel**

That part of the Southeast 1/4 of Section 17, Town 9 South, Range 6 East in the City of Sylvania, Lucas County, Ohio, being bounded and described as follows:

Commencing at a found monument box marking the Southwest corner of the Southeast 1/4 of said Section 17;

Thence South  $89^{\circ}-16'-53''$  East, along the South line of the Southeast 1/4 of said Section 17 said South line also being the centerline of Sylvania a distance of 200.00 feet to the Southeast corner of a parcel of land now or formerly owned by Lock-It-Up, LLC, recorded as OR 20120912-0044030, Lucas County, Ohio records;

Thence North  $00^{\circ}-43'-52''$  East, along the East line of OR 20120912-0044030, a distance of 30.00 feet to a point on the North right-of-way line of Sylvania Avenue, said point being the point of BEGINNING of the hereinafter described Sanitary Sewer Easement;

Thence North  $89^{\circ}-16'-53''$  West, along the North right-of-way line of Sylvania Avenue, a distance of 40.00 feet to a point;

Thence North  $00^{\circ}-43'-52''$  East, parallel to the East line of OR 20120912-0044030, a distance of 20.00 feet to a point;

Thence South  $89^{\circ}-16'-53''$  East, parallel to the North right-of-way line of Sylvania, a distance of 40.00 feet to its point of intersection with the East line of OR 20120912-0044030;

Thence South  $00^{\circ}-43'-52''$  West, a distance of 20.00 feet to the point of BEGINNING.

Containing 799.4 square feet, all of which comes from Parcel 82-04542, more or less.

  
George V. Oravec, P.S. 5439





## A circular professional seal for a surveyor in the State of Ohio. 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 name "GEORGE V. ORAVECZ" and the registration number "S-5439".

11a

City of Sylvania  
STREET BANNER APPLICATION/PERMIT

Fee: \$ 100.00

Name of Organization: Lourdes University

Contact Person: Vicki J. Stouffer, VP of Institutional Advancement

E-mail: vstouffer@lourdes.edu Phone: 419-824-3969

Explanation of the Qualifying Event\*: 2019 Spring Commencement

Dates of Event: May 17 and 18 2019

Installation & Removal Dates of Banner: Install May 6/remove May 24  
[maximum four (4) weeks]

Banner Location: Toledo Edison poles by Wendy's and Country Squire on Monroe Street

Text of Banner: Congrats, Lourdes Graduates

Company Installing Banner: City of Sylvania - check attached for install/remove

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Insurance on File: attached

Edison Approval: \_\_\_\_\_

City Approval: \_\_\_\_\_

**The banner and installation shall meet the attached specifications.**

- \* The purpose of the banner installation shall be one of the following reasons:
- a. A Sylvania charitable or civic event.
  - b. Banners may not be installed for private commercial or political gain.



CONGRATS, LOURDES GRADUATES



11b

**ORDINANCE NO. 34 -2019**

**APPROVING THE BANNER APPLICATION OF LOURDES UNIVERSITY; AUTHORIZING THE ZONING ADMINISTRATOR TO INDICATE SUCH APPROVAL ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.**

WHEREAS, Resolution No. 19-2000, passed June 5, 2000, granted permission to install banners in the public right-of-way on the Toledo Edison poles located on Monroe Street by Wendy's across to the area in front of Country Squire Plaza (near the intersection of Corey Road and Monroe Street); and,

WHEREAS, Resolution No. 19-2000 provided that the applications were to be reviewed on an application-by-application basis and set forth the criterion on which the applications were to be considered; and,

WHEREAS, Ordinance No. 20-2018, passed May 21, 2018, amended Part Eleven – Planning and Zoning Code of the Codified Ordinances of Sylvania, 1979, as amended, by amending Section 1166.07 – Standards for Permitted Signs to permit banners to be installed in the downtown; and,

WHEREAS, Lourdes University has submitted a request to hang a banner within said public right-of-way to promote the Lourdes University 2019 Spring Commencement on May 17 and 18, 2019; and,

WHEREAS, the banner will hang from May 6, 2019 – May 24, 2019 and will comply with all of the terms and conditions set forth in Resolution No. 19-2000 and Ordinance No. 20-2018.

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

SECTION 1. That the application of Lourdes University to hang a banner on across the downtown block of Main Street between Maplewood Avenue and Monroe Street is found to comply with Section 1166.07(h)(2)(A)(1) and is hereby approved.

SECTION 2. That the Zoning Administrator is authorized to sign said permit granting permission to proceed under the application hereby approved.

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 permission should be granted immediately to provide for the installation of the banner. 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, \_\_\_\_\_, 2019, as an emergency measure.

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

ATTEST:

APPROVED AS TO FORM:

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

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

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

12



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 28, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania Codified Ordinance**  
**Sections 925 and 929**

Dear Mr. Mayor and Council Members:

Please see the revised Sections 925 and 929 of our codified ordinances. We have also included our proposed Rules and Regulations. There are significant changes from our current version as it has been several years since an update has been done.

We request approval of these revisions and are available to meet for further discussion.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw

## **CHAPTER 925**

### **Sewage Service Charges**

- 925.01 Definitions.**
- 925.02 Enforcement of sewerage rules and regulations.**
- 925.03 Charges authorized for sewerage system.**
- 925.04 Sewer Revenue Fund.**
- 925.05 Sewer charges levied.**
- 925.06 Industrial Cost Recovery (Deleted)**
- 925.07 Method of determining sewer charges.**
- 925.08 Billing procedure.**
- 925.09 Unpaid charges to be lien; discontinuance of service; simultaneous certification of sewer and water charges.**
- 925.10 City exempt from charges; fire hydrants.**
- 925.99 Penalty.**

#### **CROSS REFERENCES**

Director to manage and have control over sewer system -  
see Chtr. Art. VII, §4.0

Sewer rates - see Ohio R.C. 729.49, 729.52

Weekly deposit of sewer rentals collected - see Ohio R.C. 729.52

Sewer regulations - see S.U. & P.S. Ch. 929

Improvements - see S.U. & P.S. 933.05

#### **925.01 DEFINITIONS.**

For the purposes of this chapter and Chapter 929 certain definitions shall be as follows:

- (a) "Biochemical oxygen demand", "(BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (b) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet outside the inner face of the building wall.
- (c) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (d) "Capital charges" means those amounts paid by each premise connected to the sewer system to pay the debt service requirements and capital expenditures to enlarge or improve the facilities.
- (e) "Chemical Oxygen Demand", "(COD)" means the quality of oxygen required to oxidize soluble and particulate organic matter in water.
- (f) "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.
- (g) "Compatible pollutant" means pollutants that the treatment plant was designed to treat, including but not limited to BOD, COD, SS, phosphorus and fecal coliform bacteria.
- (h) "Connection charge" means that amount paid by each new premise connected to the sewer system to pay for the City's share of facilities required to serve the premises.
- (i) "Cost Recovery Charge" means that amount assessed each user to repay that portion of all construction costs allocable to the collection or treatment of wastes from the users of the wastewater facilities and

capacity committed to their use.

- (j) "Director" means the Director of Public Service, or, if no person has been appointed to such office, the Clerk-Auditor or other City official who has been assigned the responsibility for administering this chapter.
- (k) "Easement" means an acquired legal right for the specific use of land owned by others.
- (l) "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (m) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- (n) "Incompatible pollutant" means any pollutant that is not compatible (see subsection (g) hereof).
- (o) "Industrial user" means any user of the treatment works identified as a class D industry in the US Department of Labor Standard Industrial Classification Manual.
- (p) "Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
- (q) "Major contributing industry" means an industrial user of the publicly owned treatment works that:
  - (1) Has a flow of 50,000 gallons or more per average workday;
  - (2) Has a flow greater than five percent of the flow carried by the city sewer system;
  - (3) Has in its waste a priority pollutant in excessive amounts as defined in standards issued under the Clean Water Act; or
  - (4) Is found by the Lucas County Sanitary Engineer, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- (r) "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (s) "Nonindustrial user" means all users of the wastewater facilities not classified as an industrial user (see subsection (o) hereof).
- (t) "NPDES Permit" means National Pollutant Discharge Elimination System Permit as issued by the State of Ohio Environmental Protection Agency under authorization issued by the U.S. EPA, Region V.
- (u) "Operation, maintenance and replacement costs" means those costs, including labor, materials, supplies, equipment, accessories and appurtenances, required to operate the facilities, keep the facilities in operating condition and maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
- (v) "Person" means any individual, firm, company, association, society, corporation or group.
- (w) "pH" means the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (x) "Phosphorus", "(P)" means the total phosphorus content of a sample including all of the orthophosphates and condensed phosphates, both soluble and insoluble, and organic and inorganic species, as referred to in "Standard Methods" as total phosphorus.
- (y) "Pretreatment" means the treatment of wastewaters from sources before introduction into the treatment works.
- (z) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- (aa) "Public sewer" means a common sewer controlled by a governmental agency or public utility. overy



period" means thirty years or the useful life of the treatment works, whichever is less.

(bb) "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(cc) "Segregated domestic wastes" means wastes which are characterized by a per capita discharge of approximately 100 gallons per day at a loading of 180 mg/1 BOD, 200 mg/1 SS and 9 mg/1 phosphorus (normal domestic sewage).

(dd) "Sewage" means the spent water of a community (see subsection (mm) hereof).

(ee) "Sewage charges" includes all charges made under this chapter and Chapter 929 for the use of the City sewers and wastewater treatment works.

(ff) "Sewer" means a pipe or conduit that carries wastewater or drainage water.

(gg) "Significant user" means any industrial user that will contribute greater than ten percent of the design flow or design pollutant loading of the treatment works.

(hh) "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average of twenty-four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

(ii) "Storm drain", ("storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(jj) "Suspended solids", "(SS)" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and referred to as nonfilterable residue.

(kk) "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(ll) "User charge" means that amount paid by each premise connected to the wastewater facilities proportionate to the service provided. This charge shall cover all operation, maintenance and replacement costs for the facilities.

(mm) "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.

(nn) "Wastewater treatment works" generally means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

(oo) "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 106-77. Passed 12-7-77.)

## **925.02 ENFORCEMENT OF SEWAGE RULES AND REGULATIONS.**

The Director shall make and enforce such rules and regulations as he may deem necessary and proper for the enforcement of the provisions of this chapter; the safe, economical and efficient management and protection of the sewerage system.

(Ord. 106-77. Passed 12-7-77.)

## **925.03 CHARGES AUTHORIZED FOR SEWAGE SYSTEM.**

It is hereby determined and declared to be necessary for the protection of the public health, safety, welfare and convenience of the citizens of the City to establish and collect charges upon all lots, lands and premises

served by or having connections with the sewage system of the City.  
(Ord. 106-77. Passed 12-7-77.)

**925.04 SEWER REVENUE FUND.**

The funds received from the collection of the rates and charges provided in Section [925.05](#) shall be deposited daily with the City Treasurer, who shall keep the same in a separate fund designated Sewer Revenue Fund. Subject to the provisions of any ordinance or indenture of mortgage authorizing and securing the issuance of mortgage revenue bonds for such system, moneys in such Fund shall be used for the payment of the cost and expense of the operation, maintenance, repair and management of the system, and for the payment of debt charges on bonds issued for extensions and improvements of such system and any surplus in such Fund over and above the requirements before mentioned may be used for additions, betterments, enlargement and replacement of the system and parts thereof.  
(Ord. 106-77. Passed 12-7-77.)

### 925.05 SEWER CHARGES LEVIED.

(a) There is levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewer system of the City or otherwise discharging sewage, industrial wastes, water or other liquids either directly or indirectly to the City sewer system, a charge which shall be proportional to the services provided and shall be in accordance with the regulations of the EPA. Charges shall cover the cost of operation, maintenance, replacement, and capital costs, bond and interest redemption and other authorized expenditures.

(1) The user charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City to each user in proportion to such user's contributions to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(2) The charges shall be reviewed annually and revised periodically as required.

(3) The charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.

(b) The Director may establish additional classes as determined to be necessary.

(Ord. 17-94. Passed 2-7-94.)

(c) User and capital charges for wastewater treatment services shall be paid by each user connected to the system and shall be computed in accordance with the quantity of water used on such premises as measured per Section 925.07 as follows:

	Capital Charge	User Charge	Total
City User	\$0.48/1000 gallons	\$2.46/1000 gallons	\$2.94/1000 gallons
Non-City User	\$0.58/1000 gallons	\$2.91/1000 gallons	\$3.49/1000 gallons
Out-of-State User	\$1.57/1000 gallons	\$3.34/1000 gallons	\$4.91/1000 gallons

(Ord. 79-2016. Passed 11-21-16.)

(d) When a considerable amount of water delivered to any premises is not returned to the City's sewage disposal system, the Director in such case may establish a special basis upon which the sewage disposal charges to such premises will be computed, or upon a determination by either the Director or the customer that the use of direct metering of sanitary sewage flow is necessary or is a more equitable method of determining sewage disposal charges, the Director may order the installation of sanitary sewage meters at the expense of the user.

(Ord. 17-94. Passed 2-7-94.)

(e) Administrative Billing Charge. As there are several hundred sewer customers who receive their bills from the City of Toledo, and the City of Sylvania is billed \$5.97 for each bill that is sent by the City of Toledo, an Administrative Billing Charge of \$1.99 per month will be added to the bills of all Sylvania Sanitary Sewer District Customers who are billed for these services by the City of Toledo.

(Ord. 10-99. Passed 1-19-99.)

(f) High Strength Surcharge. In addition to the minimum charge and commodity charge given herein any user discharging wastewater of higher strength than that of segregated domestic waste shall pay the following:

Charge/lb. of BOD	above 180 mg/l	\$4.99/100 lbs.
Charge/lb. of COD	above 450 mg/l	\$1.99/100 lbs.
Charge/lb. of SS	above 200 mg/l	\$3.32/100 lbs.
Charge/lb. of phosphorus	above 9 mg/l	\$40.14/100 lbs.
Charge/lb. of floatable oils	Above 100 mg/l	\$10.00/100 lbs.

(g) Over and above the charges established and set forth herein there may be established in special instances

and upon special agreement between the City and the owner of any lot, parcel of land or premises served by the system, such additional charges for industrial wastes of unusual strength or composition which are acceptable by the City for treatment as may be determined to be fair and equitable. Each such special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.

(h) Each and every bill rendered for sewer discharged shall be paid within twenty days after the same becomes due. Ten percent (10%) additional shall be charged on each and every bill rendered for sewer discharged if not paid within twenty days after the same becomes due, and such delinquent sewer accounts are subject to shut-off at the discretion of the Director.

(i) The Director in and for the City, with the consent of Council, shall have full discretion to determine what premises located outside the corporate limits of the City shall be permitted to maintain connections with the system and also, with the consent of Council, to discontinue the service of the system to any such premises after having given the owner or occupant thereof at least thirty days written notice of the determination to discontinue service. (Ord. 17-94. Passed 2-7-94.)

#### **925.07 METHOD OF DETERMINING SEWER CHARGES.**

The following measures shall be used to determine the sewer charges provided by Section [925.05](#) upon premises served by the system.

(a) On premises using having a water meter acceptable to the Director, the quantity of water used, as measured by such meter, shall determine the sewer charge thereon.

(b) On premises where the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the Director, the owner shall at his expense install and maintain a water meter acceptable to the Director and the quantity of water used as measured by such meter shall determine the sewer charge thereon as provided herein.

(c) In the event it can be shown to the satisfaction of the Director, with respect to any pool which has been filled or refilled with water pursuant to Section [923.07](#), that such swimming pool is not connected to the sanitary sewer system and water draining from such a pool cannot enter the sanitary sewer system, then the quantity of water charged and paid for under such Section [923.07](#), shall be excluded from the total quantity of water used to determine the sewer charge thereon, anything to the contrary in this Code notwithstanding.

(Ord. 106-77. Passed 12-7-77.)

#### **925.08 BILLING PROCEDURE.**

The sewer charges herein provided shall be payable monthly in conjunction with the administration of charges for water service at the office of the Division of Utilities, Department of Public Service. (Ord. 122-87. Passed 12-7-87.)

#### **925.09 UNPAID CHARGES TO BE LIEN; DISCONTINUANCE OF SERVICE; SIMULTANEOUS CERTIFICATION OF SEWER AND WATER CHARGES.**

(a) Each sewer charge established and made pursuant to this chapter is hereby made a lien upon the premises charged therewith; and if the same is not paid within twenty days after it is due and payable, it shall be certified to the County Auditor, who shall place the same on the real property tax list and duplicate, with the penalties provided herein and interest allowed by law, and it shall be collected as other Municipal taxes are collected. The City shall also have the right, in the event of nonpayment, to discontinue service to such premises of water supplied by the City water system and of sewage disposal or transportation until such unpaid sewer charges have been fully paid.

(b) When both sewer and water charges remain unpaid for services furnished to the premises, the Director of Public Service may certify such charges simultaneously to the County Auditor for placement on the tax

duplicate.

(Ord. 121-87. Passed 12-7-87.)

**925.10 CITY EXEMPT FROM CHARGES; FIRE HYDRANTS.**

Water supplied by the municipal water system for the extinguishing of fires, furnishing or supplying water to fire hydrants within the City shall not be used in determining any sewer charge as set forth in Section [925.05](#).

(Ord. 106-77. Passed 12-7-77.)

**925.99 PENALTY.**

Whoever violates any provision of this chapter, other than for nonpayment of charges, or of a violation of any properly promulgated rule, regulation or order authorized by this chapter, shall be fined not more than five hundred dollars (\$500.00) or imprisoned up to ninety days or both. A separate offense shall be deemed committed upon each day during or on which a violation has occurred or continued.

(Ord. 106-77. Passed 12-7-77.)

## **CHAPTER 929**

### **Sewer Regulations**

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- 929.07 Application for permit.**
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#### **CONNECTION PROCEDURE**

- 929.11 Commencement of work: notice required. (Deleted)**
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#### **PRIVATE DISPOSAL SYSTEMS**

- 929.22 Connection to sanitary sewer required.**
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#### **USE OF PUBLIC SEWERS**

- 929.26 Use of public sewers; prohibited discharges.**
- 929.27 Powers and authority of inspectors.**
- 929.28 Revisions.**
- 929.29 Fuel spills; removal.**

#### **PENALTY**

- 929.99 Penalty.**

## CROSS REFERENCES

Service Director to supervise construction and repair of sewers - see

Chtr. Art. VII, §4.0

Compulsory sewer connections - see Ohio R.C. 729.06

Excavations - see S.U. & P.S. Ch. 905

Sewage service charges - see S.U. & P.S. Ch. 925

Improvements - see S.U. & P.S. 933.05

### **929.01 DEFINITIONS.**

Definitions shall be as provided in Section 925.01.  
(Ord. 106-77. Passed 12-7-77.)

### **929.02 USE OF PUBLIC SEWERS REQUIRED.**

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or objectionable waste.  
(Ord. 106-77. Passed 12-7-77.)

(b) No person shall discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sanitary sewage, storm drainage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and Section 1181.05, subject to approval by the Director. (Ord. 6-2008. Passed 2-20-08.)

(c) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater within the City.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer in accordance with the provisions of this chapter within 180 days after the date of official notice to do so.  
(Ord. 106-77. Passed 12-7-77.)

## SEWER BUILDERS

### **929.03 LICENSE REQUIRED.**

No person, firm or corporation shall lay, alter or repair any house drain, or make any connection whatsoever with any sewer, house drain or sewer drain work or do any kind of work connected with the laying of house drains or house sewers, or making any repairs, additions to or alterations in any drain or sewer connected with the public sewers in the City, unless licensed by the Director. Any person doing such work without such license shall be subject to a fine as provided in Section 929.99.  
(Ord. 106-77. Passed 12-7-77.)



#### **929.04 LICENSE FEE; BOND.**

Any person, firm or corporation desiring to do business as a sewer builder in the City shall file with the Director an application furnished by him, together with a surety bond, acceptable to the Director in the amount of ten thousand dollars (\$10,000) made payable to or in favor of the City, conditioned that he shall indemnify and save harmless the City from all accidents and the consequences thereof, and also from all damages caused by any negligence in protecting his work, or by any unfaithful, imperfect, inadequate, careless or unskilled work done by him, and that he shall also at the proper time promptly restore and replace the sidewalk, pavement, or street surface over any excavation he may have made to as good a state and condition as he found it previous to opening the same, and to keep and maintain the same in good order, to the satisfaction of the sewer inspector designated by the Director, for the period of twelve months next thereafter, and that he shall pay all fines imposed on him for a violation of any ordinance, rule or regulation prescribed by the City. He shall also submit with such application, proof of comprehensive general liability insurance with minimum and maximum limits in an amount satisfactory to the City. The sum of twenty-five dollars (\$25.00) must be deposited with the application as payment for the annual charge for license as a sewer builder in the City. No license shall be granted for more than one year, and all licenses shall be granted to expire December 31.

(Ord. 58-2014. Passed 1-5-15.)

#### **929.05 SEWER CONNECTION PERMIT REQUIRED.**

No connection shall be made with any public sewer or drain within the City without the written permission of the Director, and every connection or opening made into any public sewer or drain without such permission or in any manner different from the mode herein prescribed for such opening or connection shall subject the person making the same, and the owner of the premises directing it, to a penalty as provided in Section 929.99.

(Ord. 106-77. Passed 12-7-77.)

#### **929.06 CITY NOT LIABLE FOR DAMAGE CAUSED BY CONNECTION.**

The City reserves the right to grant such permits as it may deem necessary for allowing persons to connect to the public sewers or drains, provided, however, that the permit shall be granted on the express condition that the owner for whose benefit such connection is made shall, in consideration of the privilege thereby granted, hold the City harmless for any loss or damage that may in any way result or be occasioned by such connection.

(Ord. 106-77. Passed 12-7-77.)

#### **929.07 APPLICATION FOR PERMIT.**

(a) All applications for permits shall be made in writing by the parties employed to do the work, and shall be accompanied by the signatures of the owners of the premises for whose benefit the application is made, or by their authorized agents or attorneys and shall contain all information requested by the Director.

(b) The Director is hereby authorized and directed to receive applications for and issue sewer connection permits under the provisions of this chapter.



(c) Upon receipt of a connection application, the Director shall consult his records with regard to the sewer or drain desired to be connected with. If such connection can be made, the Director shall give such applicant the location at which the connection is to be made. The Director shall give to the applicant a permit stating that permission is granted to connect with such sewer or drain and also state in such permit the name of the street and the abutting lot number. All permits shall be issued by the Director. Permits for connection to the sewer system shall be issued dependent on the Director's determination that there is or will be capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD, SS, and phosphorus.  
(Ord. 106-77. Passed 12-7-77.)

#### **929.08 PERMIT FEE.**

There is hereby established a fee of \$250 payable to the City for each sewer connection permit for the cost of inspection services. Excessive construction time or contractor caused delays may result in additional charges. The contractor shall be informed at the time of such charges.  
(Ord. 75-79. Passed 8-20-79.)

#### **929.09 NO PERMIT TO BE GRANTED OUTSIDE SANITARY SEWER DISTRICT SERVICE AREA.**

No permit to connect, either directly or indirectly, into a sanitary sewer of the City shall be issued by any official of the City, to any person if the lot or lots or lands to be connected with such sanitary sewer are in whole or in part outside of the sanitary sewer district service area, but the Director may issue such permits even though the lots or lands to be connected are outside of the territorial limits of the City, if they are wholly within such service area.  
(Ord. 106-77. Passed 12-7-77.)

#### **929.10 SANITARY SEWER CONNECTION CHARGES, IN ADDITION TO SEWER PERMIT FEES AND SEWAGE SERVICE CHARGES.**

(a) There shall be paid to the City a sanitary sewer connection charge for each connection of a new building, addition or alteration to buildings causing increased sewage discharge, such amounts and under such circumstances, as hereinafter set forth.

The City of Sylvania Connection Fee of \$2.50 per gallon per day will be assessed base on Ohio Administrative Code 3745-42-05 in the following manner:

<u>PLACE</u>	<u>SEWAGE FLOW, GALLONS PER DAY</u>
Single Family Residence	400 per unit
Apartments and Condominiums	120 per bedroom
Assembly/Banquet Halls	5 per seat
Barber Shop	80 per basin
Beauty Shop	200 per basin
Bowling Alleys (No food service)	75 per lane
Car Wash	Contact City
Churches (no kitchen)	4 per sanctuary seat
Churches (large, w/kitchen)	6 per sanctuary seat

Convenience Store	15 per employee
Country Clubs	50 per individual (occupancy limit)
Doctors/Dentists	75 per doctor
	35 per employee
	10 per patient (seen daily)
Industrial Facility	30 per employee
Food Service Operations –	
Restaurant/Tavern (non 24 hr)	35 per seat
24 – hour Restaurant	60 per seat
Restaurant along Freeway	100 per seat
Curb Service (Drive-In)	40 per car space
Gas Station	500 per pump island
Hospitals (No resident personnel)	300 per bed
Hotels/Motels	100 per unit
Institutions (residents)	100 per bed
	35 per employee
Laundries (coin-operated)	400 per machine (standard size)
Mobile Home Parks	300 per space
Nursing and Rest Homes	200 per bed
	50 per employee
Office Buildings	20 per employee
Schools	15 per employee
Elementary	15 per pupil
High and Junior High	20 per pupil
Service Stations	500 per service bay
Service Stations w/Store	20 per employee
Shopping Centers/Retail	15 per employee
	3 per parking space
Swimming Pool	10 per swimmer
Theater	5 per seat
Youth and Recreation Camps	50 per employee and camper
Veterinarian/Animal Hospital	100 per doctor
	15 per employee
	20 per run and cage

Note: There shall be a minimum Connection Fee of \$1,000.00 for all commercial and/or industrial facilities

(b) There shall be paid to the City, as a sanitary sewer connection charge, for each connection of a main building in areas abutting the wastewater treatment works grant No. C-390691-03 Step 3 project (Phase II Sanitary Sewer Project), such amounts and under such circumstances, as hereinafter set forth, as follows:

(1) For inside City connection, the land being served by which has not been assessed by Phase II sanitary sewers, twenty-five dollars and ninety-four cents (\$25.94) per front foot of the land on which such main building is located.

(2) For outside City connections, sixty-eight dollars and twenty-five cents (\$68.25) per front foot of the land on which such main building is located.

(c) The connection charges set forth in subsections (a) and (b) hereof are exclusive of, and in addition to, the permit fee established by Section 929.08.

(d) All connection charges received pursuant to this section shall be deposited in the Sewer Revenue Fund.

(e) The charges for connections outside the City for any real estate included in a territory sought to be annexed to the City by a petition on file in the office of the Clerk-Auditor, when such petition is not being delayed or opposed by any of the owners of real estate in the territory, shall be as specified above for inside City connections.  
(Ord. 74-80. Passed 10-20-80.)

#### **929.16 EXCAVATIONS AND RESTORATIONS.**

Excavations into streets, sidewalks or other public ways for the purpose of laying a sewer or drain, the restoration thereof, and the restoration of the flow thereof, shall be done in accordance with the provisions of Chapter 905. Restoration of the flow in a building sewer including crossovers to the wye and the entire cost thereof shall be by and at the expense of the owner of the premises whose building drain discharges into such building sewer the flow of which requires restoration, provided, however, the restoration of flow between a vee and a wye and the entire cost thereof shall be by and at the expense of the City unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement of the cost from the City, reimburse the City the entire cost of restoring such flow and should such owner not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected. Should the restoration of flow in a building sewer, including crossovers to the wye, require excavation under the pavement of any street such restoration of flow requiring such excavation shall be made by the City and at the City's expense unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement from the City of the cost of such restoration of flow, reimburse the City the entire cost thereof, and should such owner not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected.

(Ord. 129-79. Passed 12-17-79.)

#### **929.19 PROHIBITED CONNECTIONS.**

No roof drains, downspouts or footer drains shall be connected with the sanitary sewers in the City. (See also Section 1-20-23 of Building Code)

(Ord. 106-77. Passed 12-7-77.)

## **PRIVATE DISPOSAL SYSTEMS**

### **929.22 CONNECTION TO SANITARY SEWER REQUIRED.**

Every owner or occupant of any real property which bounds or abuts on a sanitary sewer in the City shall make adequate and proper connection with such sanitary sewer according to the regulations of this chapter; provided, however, that real property in any area annexed to the City after this date shall be exempt from the provisions of this section from the date of annexation on the following conditions:

- (a) Such property has adequate and approved septic tanks and sanitary sewage;
- (b) Such property owner or occupant shall not build or construct any new dwelling or dwellings, or remodel, repair or reconstruct any existing dwelling or dwellings without connecting to the City's sanitary sewer system;
- (c) The County Health Department shall determine the adequacy of any septic tank, sanitary sewer or privy vault.

(Ord. 106-77. Passed 12-7-77.)

### **929.23 PRIVY VAULTS AND SEPTIC TANKS TO BE ABANDONED.**

(a) Every owner or occupant of any real property which bounds and abuts upon a sanitary sewer in the City shall abandon the use of any outside privy vault and shall abandon the use of any septic tank installation and, as set forth in Section 929.22, make adequate and proper connection with such sanitary sewer and thereafter discharge therein all sewage from such property, in accordance with the regulations of this chapter.

(b) Every owner or occupant of any real property which bounds and abuts upon a sanitary sewer within the City, and who abandons a privy vault or septic tank and makes connection with the sanitary sewer system in the City, shall clean, demolish and fill such privy vault, and shall, if required by the Board of Health, Council or the Director, clean such septic tank so as to eliminate any noxious odors and so as to eliminate any menace to public health and safety. (Ord. 106-77. Passed 12-7-77.)

### **929.24 CONNECTION TO NEWLY CONSTRUCTED SEWER.**

Every owner or occupant of any real property within the City which bounds and abuts, in the future, upon a newly constructed sanitary sewer, shall within 180 days from the completion of such sanitary sewer, make adequate and proper connection with such sanitary sewer and thereafter abandon the use of all outside privy vaults and septic tanks as provided by Sections 929.22 and 929.23.

(Ord. 106-77. Passed 12-7-77.)

### **929.25 BUILDING SEPTIC TANK OR PRIVY VAULT NEAR SEWER PROHIBITED.**

No owner or occupant of any real property which bounds or abuts upon a sanitary sewer in the City shall install, rebuild or reconstruct therein a septic tank and/or privy vault. (Ord. 106- 77. Passed 12-7-77.)

**929.26 USE OF PUBLIC SEWERS; PROHIBITED DISCHARGES.**

(a) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to the penalties imposed by Section 929.99.

(b) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer; except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Director.

(c) Whenever the Director finds that any provision of subsection (b) hereof is being violated, he shall issue a written order to the person responsible for the removal, elimination, or correction of such condition, to remove such connections or drains from such sanitary sewer within sixty days after service of such order. The service of such order, as mentioned herein, may be made upon the person to whom it is directed, either by delivering a copy of the same to such person, or by delivering the same to and leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises.  
(Ord. 106-77. Passed 12-7-77.)

(d) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drain or to a natural outlet approved by the Director and other regulatory agencies. Subject to testing and analysis approved by the Director, unpolluted industrial cooling water or process waters may be discharged on approval by the Director to a storm sewer, or natural outlet. All storm water collection, design, construction and maintenance shall be in accordance to Section 1181.06, subject to approval by the Director.  
(Ord. 6-2008. Passed 2-20-08.)

(e) Whenever sewers are about to be or have been constructed for the purpose of carrying off sewage and drainage from lots and lands outside the corporate limits, no permission shall be given or granted to connect such sewers with the sewers or sewage treatment works of the City for carrying off such sewage or drainage, nor shall the use of the sewers or sewage treatment works of the City be permitted for the sewage and drainage of such lots and lands outside of the corporate limits, unless there has been secured written permission from the Director which shall be given only if the sewers or system of sewers for which such connection or use is sought conform to the plans theretofore adopted by the City. A certificate of approval of such sewers by the Ohio EPA shall also be furnished where, by law, such approval is required.

(f) Whenever annexation of any territory to the City is sought or petitioned for, such annexation shall not be accepted unless approval of the Director as provided in subsection (e) hereof is filed in regard to existing sewers or sewage system in such territory.

(g) In addition to the Director's approval as required by subsections (e) and (f) hereof, applicants for permission to use or connect with City sewers shall execute such agreements as to

terms, conditions and compensation for the use of such sewers and treatment works as shall be required by the City and authorized by law.

(h) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Waters or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(i) All major contributing industrial users of the treatment facilities shall pretreat any pollutant which may interfere with, pass through or otherwise be incompatible with the treatment works. Standards for pretreatment of such pollutants are published in 40 CFR 403.5, and are available from the Director. All owner(s) of any source to which pretreatment standards are applicable shall be in compliance with such standards within the shortest reasonable time, but not later than two years from the date of promulgation of such standards for the applicable industrial category.

If any major contributing industrial user proposes to pretreat its wastes, the design and installation of the plants and equipment shall be subject to the review and approval of the Director.

(j) The following described substances, materials, waters or waste shall be limited in discharges to the municipal system from all users to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below, or in subsection (i) hereof, if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director are as follows:

(1) Wastewater having a temperature higher than 140°F (60°C) at the point of entrance to the public sewer.

(2) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(3) Wastewater from industrial plants containing more than 100 mg/l of floatable oils, fat or grease.

(4) Any garbage that has not been properly shredded (see subsection (h) hereof). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Director for such materials.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Director.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

(8) Quantities of flow, concentrations, or both which constitute a slug as defined in Section 925.01.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

The Director shall require all discharges to conform to all NPDES permit requirements and any other unspecified State or Federal regulations.

(k) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (h) hereof, and which in the judgment of the Director may interfere with, pass through or otherwise be incompatible with the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not

covered by existing taxes or sewer charges under the provisions of Section 925.05.

If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and Ohio Environmental Protection Agency in accordance with Ohio R.C. Chapter 6111.

When considering the above alternatives, the Director shall give consideration to the economic impact of each alternative on the discharger.

(1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection (j)(3) hereof, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the



Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by the owner's personnel shall be performed by currently licensed waste disposal firms.

(m) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(n) When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(o) The Director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical, physical and biological analyses of wastewaters.
- (3) Information on raw materials, processes and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(p) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, all tests shall conform to Regulation 40 CFR 136. in the Federal Register entitled, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, times, durations and frequencies shall be determined on an individual basis subject to approval by the Director.

(q) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment. (Ord. 106-77. Passed 12-7-77.)

## **929.27 POWERS AND AUTHORITY OF INSPECTORS.**

(a) The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation(Ord. 106-77. Passed 12-7-77.)

, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.



(b) The authorized employees of the City are authorized to obtain information concerning industrial or commercial process information which have a direct bearing on the kind and source of discharge to the wastewater treatment works and storm drainage system. The owner may withhold process information considered confidential. The owner must establish that the revelation to the public of the information in question might result in an advantage to competitors. (Ord. 6-2008. Passed 2-20-08.)

(c) While performing the necessary work on private properties, referred to in subsection (a) hereof, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 929.26(n).  
(Ord. 106-77. Passed 12-7-77.)

#### **929.28 REVISIONS.**

Each year the Director shall review the rules, regulations, charges and fees set forth in Chapters 925 and 929. If revisions are necessary, the Director shall submit to Council the proposed revisions for Council action by ordinance. The user charge system shall be in accordance with the following:

(a) The user charges shall result in the distribution of operation, maintenance and replacement costs of the treatment works within the jurisdiction of the City in proportion to each user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be included to ensure a proportional distribution of the costs.

(b) The user charges shall be reviewed annually and revised periodically as required.

(c) The user charges shall derive revenue sufficient to meet all costs of operation, maintenance and replacement of the system.

(Ord. 106-77. Passed 12-7-77.)

#### **929.29 FUEL SPILLS; REMOVAL.**

(a) As used in this section:

(1) "Diking" means the process of constructing a wall or embankment around the area of a fuel spill to avoid the spreading of any spilled substance.

(2) "Fuel spill" means the spilling, leaking, pumping, pouring, emitting, emptying or dumping of any gasoline, petroleum, fuel oil, sludge, oil refuse or other flammable poisonous or explosive liquid or solid.

(3) "Remove" or "removal" means the removal of a fuel spill from the area or the taking of such other action as may be necessary to minimize or mitigate damage to the public health, safety or welfare.

(4) "Sorbent" means materials essentially inert and insoluble used to remove a fuel spill through a variety of absorption mechanisms including straw, sand, expanded perlite, polyurethane foam, reclaimed paper fibre and peat moss.

(b) No fuel spill shall be washed, discharged or otherwise placed into the sanitary sewer system of the Municipality.

(c) In the event of a fuel spill, the Department of Public Service-Division of Streets shall be notified and the following procedure employed:

(1) The area surrounding the fuel spill shall be diked using dirt, sand or other earthen materials which will prevent the spreading of the spill.

(2) Once contained, the fuel spill shall be thoroughly covered with a sorbent.

(3) Upon the absorption of the fuel spill by the sorbent, the sorbent shall be removed by the Division of Streets to a location determined by the Director of Public Service and be disposed of through the person, firm or corporation who has entered into a contract with the City for waste collection pursuant to the provision of Section 941.07.

(Ord. 99-84. Passed 12-17-84.)

### **PENALTY**

#### **929.99 PENALTY.**

(a) Whoever violates any provision of this chapter for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00), and each day's violation shall be considered a separate offense.

(b) Whoever violates any provision of Sections 929.22 to 929.25, shall for a first offense be fined not more than one hundred dollars (\$100.00) and for a subsequent offense shall be fined not more than two hundred fifty dollars (\$250.00).

**CITY OF SYLVANIA**  
**SANITARY SEWER SERVICE CONNECTIONS**  
**RULES AND REGULATIONS**

Section 1. All sewers that have been constructed or are constructed by the City of Sylvania shall be for sanitary sewage only and shall include all sewers for main sanitary drainage or local sanitary drainage in the City Sewer Service Area now established or as amended and approved by the Sylvania City Council.

Section 2. No person shall make connection of roof downspouts, exterior foundation drains, sump pumps, areaway drains or other sources of surface run-off or ground water to a building sewer or building drain which is in turn connected to a public sanitary sewer.

Section 3. Only persons of proven ability with 5 years of documented experience, and approved by the Director of Public Service (Director), who have been granted a Sewer Tapper's License shall be permitted to construct and/or repair building sewers in the City.

Section 4. Said Sewer Tapper's License shall be approved and signed by the Director, shall expire on the 31st day of December of the year of its issuance, and shall be subject to an annual charge of \$25.00 for such issuance. This license may be revoked at any time by the Director for any violation of the regulations governing sewer contractors. Further, each contractor shall provide:

- a. Certificate of Insurance
  - 1) Bodily Injury/Property Damage \$2,000,000
  - 2) Personal Injury \$1,000,000
  - 3) Comprehensive Automobile \$2,000,000
  - Uninsured/Underinsured \$1,000,000
  - 4) Contractual Liability \$2,000,000
- b. Workers Compensation Certificate
- c. \$10,000 Performance Bond to ensure proper performance of work.

Section 5. All applications for building sewer construction and/or repair shall be as provided by the Director and signed by the certified owner or owners, and by the contractor prior to submission to the City. When property is owned by a company or corporation, the application shall be signed by an officer of said company or corporation. When the property is a joint ownership, both parties shall sign the sewer application.

Section 6. A permit to tap any sanitary sewer must be obtained at the Utilities Office by a Licensed Sewer Tapper before any tap may be made. This permit shall be valid for one hundred eighty (180) days from date of issuance by the City, at the end of which time it shall expire, and a new permit shall be obtained at the prevailing permit charge rate. In the event the tapper is unable to perform the work within the 180-day period, or the work is canceled by the owner, the permit for the work may be extended for an additional 30 days, upon permission of the Director. All permits shall be fully completed by the sewer tapper and any lack of information as required

by the Director shall be regarded by the City as an unsatisfactory return of the permit by the sewer contractor, and a violation of these regulations. The City cannot guarantee the exact location of any wye, riser, crossover, or other appurtenances, as all measurements are approximate. In the event a connection, such as a riser, wye, or tee is not provided for in the line to be connected to, the sewer contractor shall insert a tee only with written permission from the Director.

Section 7. Charges established by the Director shall be made to cover the cost of permit issuance, inspection, and related costs for each day or fraction thereof. All charges are to be paid to the City of Sylvania.

Section 8. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City.

Section 9. Permits shall be required for all repair work performed by the sewer contractor. Application shall be as indicated In Section 5.

Section 10. No permit shall be deemed to authorize anything not stated on its face and any misrepresentation by the sewer contractor, if the same appears to be willful, will subject the offender to a revocation of license.

Section 11. The Utilities Office, 419-885-8950, must be notified a minimum of 48 hours prior to work beginning to ensure inspection, unless emergency conditions prevail. All notifications of this kind shall include the permit number, address, parcel number and location. Any sewer contractor before making connection to any wye, tee, or vee shall uncover the appurtenance to ascertain the condition. No header shall be removed nor any pipe laid before the City inspector is present on the site. Construction shall begin at the main sewer. Permits shall be left on the site in the possession of the sewer contractor until the work is completed.

Section 12. All materials used in construction and all workmanship shall be of adequate quality and acceptable to the Director.

Section 13. The building sewer shall be constructed of PVC per ASTM D3034-SDR35 or per ASTM F679 sewer pipe as approved by the City. The City reserves the right to specify and require the encasement of any sewer pipe with concrete, or the installation of the sewer pipe in a concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the City.

Section 14. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the pertinent standards and specifications of the City, and other applicable construction and material specifications of the State of Ohio.

Section 15. All excavation for building sewer installation and repair shall be adequately

guarded with barricades and lights in accordance with all applicable state and federal OSHA regulations so as to protect the public from hazard. Streets, sidewalks, and other public and private property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 16. All work shall be performed in accordance with all applicable state and federal OSHA regulations or any applicable local, state, or federal safety regulations. Each Contractor shall have the ability to provide proof that they can perform the necessary work in accordance with all existing regulations that govern their work for the City.

Section 17. A separate and independent building sewer shall be provided for every building and/or privately owned buildings.

Section 18. Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 19. Sewers must be a minimum of 6-inches diameter and have a gradual and uniform fall of not less than 1' per 100', from the building to the City sewer. Sewers shall be located a minimum of 10 feet from potable water lines and gas lines. Change in direction must be made with curves, bends, wyes or manholes. Cleanouts shall be installed as required by the Director. The sewer contractor may construct the building sewer from the City sewer to the soil/vent pipe location and capped in a manner satisfactory to the City, and removed only in the presence of the City inspector. The cap may be removed when the rough plumbing has been approved. Removal of the cap or willful damage to the sewer service allowing ground water, earth, stone or other material into the public/private sanitary sewer system shall be the responsibility of the Builder and Sewer Contractor to prevent this situation. All costs associated with clean up and repair of damage to the City sewer system shall be billed to the Builder/Sewer Contractor. No further permits will be granted until situation is corrected and all fees and charges are paid to the City and other public and private parties affected by resultant negligence. Property owners shall ascertain the elevation of the City connection to determine the proper elevation of the structure which it is proposed to serve by this connection.

Section 20. All pipe joints must be water-tight, root-resistant, flexible, and durable, and shall be of the rubber ring principle. All other joints shall be as approved by the Director. The connection of the building drain and the building sewer shall be well and solidly supported so that the weight of backfill will not settle the pipe. House connections shall, in general, be above and near the spring line of the sewer; however, not into any manhole unless approved by the City.

Section 21. Backfilling of the sewer trench, and the methods and equipment used in placing fill must be selected to prevent dislocation or damage to the pipe. The sewer contractor must backfill and compact the trench in six (6") inch layers to a level with the former grade in unimproved streets and alleys. Where streets and alleys are paved, it will be necessary to backfill with a granular material to achieve a high degree of compaction, using sand, or stone screenings. Said materials

must be placed in six (6") inch layers and tamped, vibrated, or where conditions permit, consolidated by jetting.

Section 22. Sewer contractor must use care not to break any street sub-drainage, and shall replace, or cause to be restored any pipe, utilities, or structures damaged.

Section 23. At all joints where building sewers or connection construction passes under another utility, the utility passed under must be supported by an adequate cradle or encasement by concrete construction, and extra precaution will be required in backfilling and consolidation in order to avoid any danger of a break, settlement, or damage to the utility passed under.

Section 24. Sewer pipe must be laid in a trench carefully made, with bottom trimmed to grade, and having depressions for pipe joints, so that each length of pipe shall be evenly supported throughout the entire length. The interior of each length shall be clean and free of all construction material and other debris before the next length is laid down.

Section 25. Any sewer contractor must enclose any openings which he may make in the public streets, alleys, rights of way or easements with sufficient barriers, and must maintain lighting for warning purposes at all hours, take all other necessary precautions to guard the public effectually against all accidents from the beginning to the end of the work, and can secure permit only on the condition that he is to be held responsible for all damages that may result from his neglect of any or all reasonable precautions against injury or damages to persons, vehicles, or property of any kind. Trenches shall be adequately sheeted and/or braced in accordance with State of Ohio Industrial Commission regulations and the Occupational Safety and Health Administration (OSHA).

Section 26. If any sewer contractor shall neglect or refuse to comply with the rules and regulations herein set forth, within 48 hours first notice from the Director, the City may proceed with the work, and the cost involved will be charged to the sewer contractor or his surety. In cases where it is necessary for the City to proceed with the work, no further permits will be granted to the sewer contractor until he has satisfactorily complied with the orders of the Director and completely reimbursed the City for any cost involved.

Section 27. The sewer contractor shall be required to make all necessary repairs for a period of one (1) year after the completion of the work.

Section 28. The Director, or any person authorized by him, must be permitted at all times to inspect all work, material, and fixtures.

Section 29. Before a sewer permit is issued, the applicant shall be required to pay the service fees as provided in these rules and regulations, and pay all user fees and other applicable charges and fees against the property as presently exist, or as may be amended.

Section 30. All costs and expenses incident to the installation and connection, operation, maintenance and repair of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the

installation of the building sewer.

Section 31. Building sewers which are directly or indirectly connected into the public sewer system shall conform to such regulations pertaining to same as may exist or may be enacted by the City.

Section 32. The Service Director may revoke this license due to faulty or negligent workmanship, non-specified or damaged materials, recent OSHA penalties or other items resulting in improper installation of building sewers. The license shall only be restored upon evidence of compliance with these rules and regulations.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Company

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 28, 2019

To: The Mayor and Members of Sylvania City Council

Re: **Ditch Maintenance Assessment**

Dear Mr. Mayor and Council Members:

We would appreciate the opportunity to discuss a modification to our current assessment method for the above program. The current assessment is based on front footage and is currently forty cents per front foot.

We would propose that the assessment be modified so it is based on impervious, or hard surface, area. Many communities throughout Ohio utilize this method as it seems to be an improved method to distribute the program costs based on a user system.

We will be able to more fully explain the method and its' projected impacts to our citizens at your convenience.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

KGA/dsw





OFFICE OF THE MAYOR  
CRAIG A. STOUGH, MAYOR

March 27, 2019

**TO THE MEMBERS OF SYLVANIA CITY COUNCIL:**

RE: Appointment to the Toledo Area Regional Transit Authority Board

Dear Council Members:

Mr. William Pitzen has expressed an interest in serving as the City of Sylvania's representative on the Toledo Area Regional Transit Authority Board.

Mr. Pitzen is a long-time Sylvania resident and retired from Metamora State Bank as its Chief Lending Officer in 2016. Mr. Pitzen is a past member of the Sylvania Rotary Club, Sylvania Area Chamber of Commerce and currently serves on the City of Sylvania's Audit Committee and has demonstrated his active interest and commitment to Sylvania through his service to the community.

Therefore, I am pleased to announce the appointment of Mr. Pitzen for a three year term commencing January 1, 2019, to the Toledo Area Regional Transit Authority Board and request that you confirm this appointment.

Respectfully submitted,

Craig A. Stough  
Mayor

CAS/lb

NOTICE TO LEGISLATIVE  
AUTHORITY

15  
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3186

TO

6201519			TREX	MPN GROUP LLC
PERMIT NUMBER			TYPE	DBA JEDS
06	01	2018	7625-7627 SYLVANIA AVE	
ISSUE DATE			SYLVANIA OH 43560	
03	11	2019		
FILING DATE				
D5	D6	PERMIT CLASSES		
48	077	A	F22006	
TAX DISTRICT		RECEIPT NO.		

FROM 03/13/2019

92267670005				VARDEAN LLC
PERMIT NUMBER			TYPE	DBA SMOKEHOUSE BISTRO
06	01	2018	7625-27 SYLVANIA AV	
ISSUE DATE			SYLVANIA OH 43560	
03	11	2019		
FILING DATE				
D5	D6	PERMIT CLASSES		
48	077			
TAX DISTRICT		RECEIPT NO.		



MAILED 03/13/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/15/2019

**IMPORTANT NOTICE**

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

REFER TO THIS NUMBER IN ALL INQUIRIES **A TREX 6201519**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF SYLVANIA CITY COUNCIL  
6730 MONROE ST  
SYLVANIA OHIO 43560

## Commerce Division of Liquor Control : Web Database Search

**OWNERSHIP DISCLOSURE INFORMATION**

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

**Searching Instructions**

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

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

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

**SEARCH CRITERIA****Permit Number**

6201519

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

Member/Officer Name	Shares/Interest	Office Held
<b>Permit Number:</b> 6201519; <b>Name:</b> MPN GROUP LLC; <b>DBA:</b> DBA JEDS; <b>Address:</b> 7625-7627 SYLVANIA AVE SYLVANIA 43560		
BRIAN J MEARS	MANAGE MEM	VICE PRES.
DARIC PEPPERS	MANAGE MEM	PRESIDENT
MATTHEW H NEAL JR	MANAGE MEM	SECRETARY
MICHAEL MCCARTHY	MANAGE MEM	TREASURER

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

[Commerce Home](#) | [Press Room](#) | [CPI Policy](#) | [Privacy Statement](#) | [Public Records Request Policy](#) | [Disclaimer](#) | [Employment](#) | [Contacts](#)



**A**  
Board of County  
Commissioners

**RECEIVED**

MAR 19 2019

CITY OF SYLVANIA  
CITY COUNCIL

Tina Skeldon Wozniak  
President  
Pete Gerken  
Gary L. Byers

Jody L. Balogh  
Clerk of the Board

March 15, 2019

Ms. Sharon Bucher  
Clerk of Council  
City of Sylvania  
6730 Monroe Street  
Sylvania, OH 43560

Re: Annexation Petition 2018-6  
Portion of Sylvania Township to the City of Sylvania

Dear Ms. Bucher:

Enclosed is a copy of the complete proceedings for Annexation Petition 2018-6

If you need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody L. Balogh".

Jody L. Balogh, Clerk

/jlb  
Enclosures

**Date:** January 29, 2019

**Resolution No. 19-121**

**Title:** Hearing and Approval of Annexation Petition No. 2018-6, Portions of Sylvania Township to the City of Sylvania, Parcel No. 79-72721 (4.282 acres±)

**Department/Agency:** Commissioners

**Contact:** Jody L. Balogh, Clerk

**Summary/Background:** There was filed with this Board on October 29, 2018, a petition for the annexation by a majority of the owners of approximately 4.282 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioner requests that the territory be annexed pursuant to the Regular Annexation procedures contained in R.C. 709.02

On November 6, 2018 by Resolution 18-948, the Board accepted the filing of Annexation Petition No. 2018-6 and set the hearing date and time for January 8, 2019 at 2:00 p.m.

On January 8, 2019, at 2:07 p.m., Commissioner Skeldon Wozniak opened the hearing pursuant to, and in accordance with, *O.R.C.* 709.03 (A) and 709.032 (B); Commissioner Gerken and Commissioner Byers were present. The notice of the public hearing was published on December 18, 2018, in *The Blade*, and an affidavit of the proof of publication was provided by the agent for the petitioners. This Board was notified by the Agent for the Petitioners that there were clerical errors in the legal description of the notice published in *The Blade* newspaper on December 18, 2018. Therefore, the agent for the petitioners requested the hearing be recessed until a later date to allow republication of the notice. The Board recessed the public hearing until January 29, 2019, at 2:00 p.m.

On January 29, 2019, at 2:03 p.m., Commissioner Skeldon Wozniak continued the hearing; Commissioner Gerken and Commissioner Byers were present. Commissioner Wozniak stated that the notice of the public hearing was published on January 19, 2019, in *The Blade*, and an affidavit of the proof of publication was provided by the agent for the petitioners.

Ms. Leslie Brining, City of Sylvania, representing petitioner was present. Ms. Brinning stated that the errors in the legal description were corrected and the legal notice was re-published in *The Blade*. Ms. Brining requested the Board grant said annexation.

Mr. Michael Pniewski, P.E., P.S., Chief Deputy County Engineer, Mr. Denny Pritscher, P.S. Chief Surveyor, and Mr. Matt Puhl, Deputy Surveyor, were present.

The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C.* 709.02. The City of Sylvania, has, pursuant to *O.R.C.* 709.03(D), adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation.

**January 29, 2019**

**Hearing and Approval of Annexation Petition No. 2018-6, Portions of Sylvania Township to the City of Sylvania, Parcel No. 79-72721 (4.282 acres±)**

**Page 2**

**Department/Agency:** Commissioners

**Contact:** Jody L. Balogh, Clerk

**Budget Impact:** N/A

**Statutory Authority/ORC:** 709.02

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

**Commissioner Byers offered the following resolution:**

Section 1. This Board, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, hereby makes the following findings fact:

- a. The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C.* 709.02;
- b. The persons who signed the petition are the owners or real estate located in the territory proposed to be annexed;
- c. The number of valid signatures on the petition constitutes a majority of the owners of real estate in the territory as of the date that the petition was filed;
- d. The City of Sylvania, has, pursuant to *O.R.C.* 709.03(D), adopted an ordinance that includes a statement indicating what services it will provide and an approximate date that it will provide the services to the territory to be annexed, upon annexation;
- e. The territory is not unreasonably large;
- f. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and
- g. No street or highway will be divided or segmented by the boundary line between the Township and the City as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the City of Sylvania has agreed, as a condition of the annexation, that it will assume the maintenance of that street or Highway;

January 29, 2019

Hearing Continued for Annexation Petition No. 2018-6, Portion of Sylvania Township to the City of Sylvania, Parcel No. 79-72721 (4.282 acres±)

Page 3

Section 2. The petition to annex 4.282± acres of real estate in Sylvania Township to the City of Sylvania, Parcel No. 79-72721 as described in Exhibit A, is hereby granted.

Section 3. The Clerk of the Board is hereby directed to deliver a certified copy of this resolution to the clerk of the Sylvania City Council, the Sylvania Township Clerk, and the agent for Petitioners.

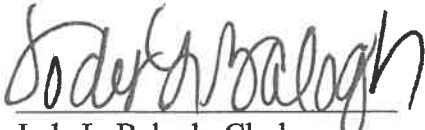
Section 4. If after the expiration of thirty days from the date of this resolution no appeal has been filed, the Clerk of the Board is directed to deliver a certified copy of the entire record of the annexation proceedings to the auditor or clerk of the municipality.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public to the extent required by law.

Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

**Action Taken:**

Commissioner Byers voted yes  
Commissioner Gerken voted yes  
Commissioner Skeldon Wozniak voted yes

  
Jody L. Balogh, Clerk

The hearing was adjourned at 2:05 p.m.

I hereby certify that the foregoing is  
a true and exact copy of Resolution  
No. 19-181 duly passed by the  
Board of County Commissioners,  
Lucas County, Ohio, at its meeting  
on January 29, 2019  
Clerk of County Commissioners



Exhibit A

A parcel of land being part of the Northeast quarter (1/4) of Section twenty (20), Town nine (9) South, Range six (6) East, in Sylvania Township, Lucas County, Ohio, and which is more particularly described as follows:

Commencing at a found monument box with iron rod at the Northwest Corner of the Northeast quarter (1/4) of said Section twenty (20), also being the centerline of Sylvania Avenue:

Thence South eighty-nine (89) degrees, sixteen (16) minutes, fifty-three (53) seconds East, along the North line of the Northeast quarter (1/4) of said Section twenty (20), said line also being the centerline of Sylvania Avenue, a distance of two hundred thirty-four and four hundredths (234.04') feet to a found monument box with iron rod, said point also being on the centerline of Silica Road;

Thence South seven (07) degrees, fifty-eight (58) minutes, forty-nine (49) seconds West, along the centerline of Silica Road, a distance of nine hundred twenty-eight and forty hundredths (928.40') feet to a point at the South line of a parcel of land as recorded in Microfiche 81-373D03, Lucas County Deed Records, and the North line of a parcel of land as recorded in Deed instrument 20050419-0026611, Lucas County Deed Records;

Thence South eighty-nine (89) degrees, fifty-two (52) minutes, forty-five (45) seconds East, along the South line of said parcel of land as recorded in Microfiche 81-373D03, and the North line of a parcel of land as recorded in Deed instrument 20050419-0026611, passing through a found five-eighths (5/8) inch iron pin at thirty and twenty-eight hundredths (30.28') feet and a total distance of seven hundred fifty-seven and forty hundredths (757.40') feet to a found six (6) inch concrete monument, said point also being the Southwest corner of Lot twelve (12), in Sylvan Towne Plat One as recorded in Volume 147, Pages 66-68 Second Recording Volume 147 Pages 94-96, Lucas County Plat Records, also being the True Point of Beginning;

Thence South eighty-nine (89) degrees seventeen (17) minutes, forty-six (46) seconds East along the South line of said Lot twelve (12), in Sylvan Towne Plat One, a distance of four hundred eight-eight and two hundredths (488.02') feet, to a found six (6) inch concrete monument, said point also being the West line of Lot eleven (11), in Sylvan Towne Plat One, said point also being on the West line of the East half (1/2) of the Northeast quarter (1/4) of Section twenty (20);

Thence South zero (00) degrees, five (05) minutes, six (06) seconds East along the West line of the East half (1/2) of the Northeast quarter (1/4) of Section twenty (20), said line also being the West line of Lot eleven (11), in Sylvan Towne Plat One, a distance of three hundred eighty-two and thirty-three hundredths (382.33') feet to a found six (6) inch concrete monument, said point also being the Southwest corner of Lot eleven (11), in Sylvan Towne Plat One;

Thence North eighty-nine (89) degrees, sixteen (16) minutes, two (02) seconds West, a distance of four hundred eight-eight and two hundredths (488.02') feet to a set five-eighths (5/8) inch iron pin;

Thence North zero (00) degrees, five (05) minutes, six (06) seconds West, a distance of three hundred eighty-two and eight hundredths (382.08') feet to the Point of Beginning

Containing 186,505.39 square feet or 4.282 acres of land more or less and subject to legal highways, leases, easements and restrictions of record