

Sylvania City Council

October 5, 2020

7:00 p.m. Public Hearing

ZA-1-2020, South Briar LLC, (David Schmitt)

5123 Main Street – Recessed from 9/21/20

7:30 p.m. Council Meeting

Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Ms. Stough.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of September 21, 2020.
5. Sheila Gibbs, Director of Support Services of the Lucas County Children's Services will present facts regarding Issue 18, renewal of their operating levy.
6. Report of the Public Hearing held at 7:00 p.m. on ZA-1-2020.
7. Cushman Road Improvement Project – Temporary Easements.
 - a. Service Director's report on temporary easements for project.
 - b. Proposed Ordinance No. 75-2020, Accepting a temporary construction easement from Vincent L. Sperling and Ms. Kayla M. Neiding for the improvement of Cushman Road.
 - c. Proposed Ordinance No. 76-2020, Accepting a temporary construction easement from Peter E. Schultz for the improvement of Cushman Road.
 - d. Proposed Ordinance No. 77-2020, Accepting a temporary construction easement from Luke D. Cutlip and Ms. Brooke A. Cutlip for the improvement of Cushman Road.
 - e. Proposed Ordinance No. 78-2020, Accepting a temporary construction easement from Cheung W. Tang for the improvement of Cushman Road.
 - f. Proposed Ordinance No. 79-2020, Accepting a temporary construction easement from Marving Real Estate, LLC for the improvement of Cushman Road.

8. 20" Sanitary Sewer Easement – 4850 King Road.
 - a. Service Director's report on history of easement.
 - b. Proposed Ordinance No. 80-2020, Accepting a permanent sanitary sewer easement from John & Cynthia Nowakowski.
9. 30' Waterline Easement (6454 Monroe Street)
 - a. Service Director's report on easement.
 - b. Proposed Ordinance No. 81-2020, Accepting a permanent waterline easement from Dave White Real Estate, LLC.
10. South of Monroe (SOMO) – Retaining Wall Redesign Services
 - a. Service Director's report on the Engineering Contract.
 - b. Proposed Ordinance No. 82-2020, Accepting the proposal of DGL Consulting Engineers LLC to provide engineering services for the South of Monroe (SOMO) Retaining Wall Redesign.
11. Proposed Ordinance No. 83-2020, Authorizing to enter into an agreement with the Board of Lucas County Commissioners for the provision of Public Defender Services for 2021.
12. Confirmation of the Mayor's appointment of Richard Lawrence Munk, M.D. to the Toledo/Lucas County Health Department.
13. Committee reports.
14. Committee referrals.

INFORMATION

- A. September 2020 Income Tax Report.

Minutes of the Meeting of Council
September 21, 2020

The Council of the City of Sylvania, Ohio met in regular session on September 21, 2020 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Brian McCann, Patrick Richardson, Lyndsey Stough, Mary Westphal; (7) present; (0) absent.

Roll call:
All present.

Pledge of Allegiance to the United States of America led by Mr. Richardson.

Pledge of
Allegiance.

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

The following items were added to the agenda:

- 3a. Introduction of Nancy Larson running for the Ohio House District #47 Representative.
- 15a. Set Finance Committee meeting.

Mrs. Westphal moved, Mr. Frye seconded to approve the agenda as amended; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Agenda approval.

Nancy Larson, candidate for the Ohio House District #47 provided an overview of her background.

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

Mrs. Westphal presented the September 8, 2020 meeting minutes. Mrs. Westphal moved, Mr. McCann 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 September 8, 2020 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
September 8,
meeting minutes.

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

Mayor Stough read the Proclamation of the Sisters of St. Francis of Sylvania, Ohio celebrating anniversaries of professed religious life in 2020.

Proclamation
Sisters of St.
Francis.

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

Fire Chief Michael Ramm presented information on the fire levy ballot issue. He stated Issue No. 13 is a 1.9 mill levy that will cost a \$150,000 home value \$99.75 per year and will provide apparatus replacement, full time staffed ambulance, etc.

Fire Levy ballot
issue
information.

Minutes of the Meeting of Council
September 21, 2020

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

Mrs. Westphal reported on the Public Hearing held at 7:00 p.m. on this date to consider the Petition for Zoning Ordinance Amendment, ZA-1-2020, from South Briar LCC (David Schmitt), from "R-1", Single-Family Residential Large Lot District to "B-2" General Business District and "R-3" Multiple Dwelling Medium Density District. for property located at 5111 & 5123 Main Street, Sylvania, Ohio 43560.

Report of P.H. on
ZA-1-2020,
South Briar LLC
R-1 to B-2 &
R-3.

Due to the applicant not being present, Mrs. Westphal stated this hearing will be recessed until October 5, 2020 at 7:00 p.m.

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

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 18-2020, a written copy of same having been previously furnished to each member of Council, "A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor; and declaring an emergency." Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Resolution; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Resolution No.
18-2020,
"Accepting
amount & rates
by Co. Budget
Commission..."

Mrs. Westphal moved, Mr. Frye seconded, that Resolution No. 18-2020 be enacted as an emergency measure as declared therein; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the Cushman Road Improvement project – Easements was placed on file.

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 68-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Joseph Phillips for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Ordinance No.
68-2020,
"Temp
easement....
Cushman
Rd...Joseph
Phillips..."

Minutes of the Meeting of Council
September 21, 2020

Mr. Frye moved, Ms. Stough seconded, that Ordinance No. 68-2020 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. McCann presented and read aloud by title only, proposed Ordinance No. 69-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Nichole Purcel for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. McCann moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 69-2020,
"Temp easement.... Cushman Rd...Nichole Purcel..."

Mr. McCann moved, Ms. Stough seconded, that Ordinance No. 69-2020 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 70-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Darren Snapp for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No. 70-2020,
"Temp easement.... Cushman Rd...Darren Snapp..."

Mr. Richardson moved, Mr. McCann seconded, that Ordinance No. 70-2020 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 71-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Grandview Home Services, LLC for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Ordinance No. 71-2020,
"Temp easement.... Cushman Rd...Grandview Home Services, LLC..."

Minutes of the Meeting of Council
September 21, 2020

Mr. Haynam moved, Ms. Stough seconded, that Ordinance No. 71-2020 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 72-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Nicholas Sargent for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being:, Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No.
72-2020,
"Temp
easement....
Cushman
Rd...Nicholas
Sargent..."

Mrs. Cappellini moved, Mr. McCann seconded, that Ordinance No. 72-2020 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the Brookfield Estates Resurfacing Project was placed on file.

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 73-2020, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City's agreement with Gerken Paving, Inc. for the Brookfield Estates Resurfacing Project which reflects the final installed quantities and actual work performed on this project; increasing the contract amount by \$9,907.64; appropriating funds therefore; and declaring an emergency." Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.
73-2020,
"...Change Order
No. 1, (Final)
...Brookfield
Estates
Resurfacing..."

Mr. Frye moved, Ms. Stough seconded, that Ordinance No. 73-2020 be enacted as an emergency measure as declared therein; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council
September 21, 2020

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

Service Director's report on the Silica Drive Bridge Replacement Project – Consultant Letter of Interest request was placed on file.

Mr. Frye moved, Mr. Haynam seconded to authorize administration to approve the Letter of Interest solicitation for the Silica Drive Bridge Replacement Project. Roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Authorization of
Letter of Interest
Solicitation-
Silica Bridge
Replacement.

Mayor Stough stated that Council will now consider agenda item 12.

Service Director's report on the Electric Vehicle Charging Station was placed on file.

Ms. Stough presented and read aloud by title only, proposed Resolution No. 19-2020, a written copy of same having been previously furnished to each member of Council, "A Resolution authorizing the Mayor and Director of Finance to prepare and submit an application to participate in the Ohio Environmental Protections Agency's Level 2 Electric Vehicle Charging Station Grant Program; to execute contracts as required; and declaring an emergency." Ms. Stough moved, Mr. McCann seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Resolution No.
19-2020,
"...Authorizing
to submit
application
OEPA's Level 2
Electric Vehicle
Charging
Station..."

Ms. Stough moved, Mr. Frye seconded, that Resolution No. 19-2020 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

Mr. McCann moved, Mrs. Westphal seconded to allow Mr. Frye to push back from table due to conflict of interest. Roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Mr. Frye push
back from table,
due to conflict of
interest.

Mr. McCann presented and read aloud by title only, proposed Ordinance No. 67-2020, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a Letter of Intent for the potential purchase of solar-generated energy and related electric consulting agreement; and declaring an emergency." Mr. McCann moved, Mrs. Westphal seconded, that

Ordinance No.
67-2020,
"...Letter of
Intent for
potential
purchase solar-

Minutes of the Meeting of Council
September 21, 2020

Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Richardson, Stough, Westphal, Cappellini, Haynam, McCann, (6) yeas; (0) nays. The motion carried.

generated energy...”

Mr. McCann moved, Mr. Haynam seconded, that Ordinance No. 67-2020 be enacted as an emergency measure as declared therein; roll call vote being: Stough, Westphal, Cappellini, Haynam, McCann, Richardson, (6) yeas; (0) nays. The motion carried.

Mr. Frye returned to the table.

Mayor Stough stated that Council will now consider agenda item 14.

Police Chief Schnoor reported on the Notice of new C-1, Beer only in original sealed container for carry out only; C2, Wine and mixed beverages in sealed containers for carry out only; and D6, Sale of intoxicating liquor on Sunday between the hours of 10:00a.m. and midnight for S & G Stores, LLC d/b/a S & G 79 at 5502 Monroe St., Sylvania, OH 43560.

Mrs. Westphal moved, Mr. Haynam seconded to not request a hearing on the new C-1, Beer only in original sealed container for carry out only; C2, Wine and mixed beverages in sealed containers for carry out only; and D6, Sale of intoxicating liquor on Sunday between the hours of 10:00a.m. and midnight for S & G Stores, LLC d/b/a S & G 79 at 5502 Monroe St., Sylvania, OH 43560. Roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

No Public Hearing on Liquor permit for S & G Stores, LLC, 5502 Monroe St., Sylvania, OH.

Mayor Stough stated that Council will now consider agenda item 15.

Mrs. Westphal moved, Mr. Richardson seconded to set the Finance Committee meeting for Tuesday, October 13th at 3:30 p.m. in council chambers to discuss the 2021 Budget. Roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried. This meeting will be offered on zoom.

Finance Com. Mtg set for 10/13/20, @ 3:30 p.m.

Minutes of the Meeting of Council
September 21, 2020

Mayor Stough stated all agenda items have been addressed.

Mrs. Westphal moved, Mr. McCann seconded to adjourn at 8:48 p.m. Roll call vote being: Westphal, Cappellini, Frye, McCann, Haynam, Richardson, Stough, (7) yeas; (0) nays. The motion carried. Adjournment.

Clerk of Council

Mayor



2020 Lucas County Children Services Levy Facts

- Seeking renewal of existing five-year, 1.8 mill operating levy.
- This is not a new tax.
- Current levy expires in December 2021; renewed levy would be collected starting in January 2022, only after the current levy expires.
- We are coming to voters because:
 - LCCS and other Ohio child protection agencies face a number of changes in the next year that call for fiscal stability.
 - Waiting until 2021 to seek renewal would put the safety of children at risk, as the agency could be forced to reduce its operations if the measure is defeated.
 - The turnout for the 2020 election is expected to be very high, and we want to give the most voters possible the opportunity to voice their support for children.
- This levy generates \$13.4 million, or more than a quarter of the agency's current operating funds.
- This levy costs the owner of a \$100,000 home \$55.13 annually, or \$1.06 per week.
- We do have a second levy, at 1.85 mills for ten years, that voters approved in 2018. That levy passed in every precinct in Lucas County, demonstrating the importance of child protection to Lucas County voters.
- Primary agency challenges:
 - Family First Preventive Services Act – moves focus and funding from supporting foster care to abuse prevention and family stabilization.
 - FFPA incorporates mandates that service providers meet standards that they, in the short term, will be unlikely to be able to meet. Much-needed group homes are most affected.
 - Federal lawsuit (D.O. vs. Glisson) and related state legislative proposals (HB 640) call on child protection agencies to compensate kin the same as foster parents; could cost LCCS an additional \$2 to \$3.5 million annually.



- Other challenges:
 - Continuing opiate epidemic.
 - Domestic violence.
 - Increased depth and complexity of family issues.
 - Cost of caring for, and availability of, services to multi-system youth.
 - Hiring qualified caseworkers, and retiring senior staff.
 - Need for foster homes.
 - COVID-19 response – impact on agency operations, staff safety, families on caseload.
- We are responding to these challenges by implementing:
 - Five-year agency strategic plan.
 - Standing up new, specialized units and functions – 30 Days to Family, Family Search & Engagement, Ohio START, Permanency Support, Parent Empowerment Institute, Recruitment.
 - Increasing training.
 - Partnering with State of Ohio IT to use technology to go mobile, virtual.
 - Working closely with federal, state and local governments to ensure interests of children and child protection are represented, as well as helping to develop new practice guidelines.
 - Reducing placement costs – fewer network placements, more children in kinship care.
 - Reducing other operating costs.
 - Embracing collaborations with a variety of local service providers and institutions to provide more services to families and extend agency’s resources.
 - Engaging community partners
- Conclusion
 - LCCS has demonstrated fiscal responsibility.
 - The agency is recognized statewide and nationally as a leader in child protection.
 - At a time when there are so many changes and unknowns in child protection, we must be ready to respond to any challenge.
 - Renewing this levy is critical for the children of Lucas County.

7a



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 5, 2020

To: The Mayor and Members of Sylvania City Council

Re: **Cushman Road Improvements Project**
Temporary Construction Easements – 5810, 5820, 5836, 5844, & 6006 Cushman Road

Dear Mr. Mayor and Council Members:

The construction plans for the Cushman Road Improvements Project are nearing completion. One of the goals of the project is to reestablish and reprofile the front yard drainage swales. This work includes flatter and more gradual side slopes to ease property maintenance.

In order to accommodate the improvement the Service Department needs to obtain temporary construction easements from 25 parcels as this work does not completely fall within the existing right-of-way. The easements allow the City to right to enter and construct the swales on private property during construction. In addition, some of these easement areas require additional vegetation removals beyond the right-of-way. Our Parks & Forestry Department has conducted tree appraisals on these removals and have determined compensation values based on species and size.

We met with the following property owners to discuss the improvements and have come to an agreement to compensate each owner for the easements and/or tree removals as follows:

- 5810 Cushman Road – Mr. Vincent L. Sperling and Ms. Kayla M. Neiding, \$468
- 5820 Cushman Road – Mr. Peter E. Schultz, \$266
- 5836 Cushman Road – Mr. Luke D. Cutlip and Ms. Brooke A. Cutlip, \$269
- 5844 Cushman Road – Mr. Cheung W. Tang, \$163
- 6006 Cushman Road – Marving Real Estate, LLC, \$8,427

Procurement of these easements are known project expenses and were included within the project budget. We request approval of the attached easements and authorization of payment.

Sincerely,

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

7b

ORDINANCE NO. 75 -2020

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM VINCENT L. SPERLING AND KAYLA M. NEIDING FOR THE IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the improvement of Cushman Road in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the project includes re-establishing and re-profiling the front yard drainage swales including flatter and more gradual side slopes to ease property maintenance; and,

WHEREAS, Mr. Sperling and Ms. Neiding are entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Four Hundred Sixty-Eight Dollars (\$468.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Vincent L. Sperling and Kayla M. Neiding, the grantors therein.

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

SECTION 3. That the Director of Law is hereby directed to deliver the recorded

temporary easement document to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Four Hundred Sixty-Eight Dollars (\$468.00).

SECTION 5. 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 6. 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 7. 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 improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. 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, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Vincent L. Sperling and Kayla M. Neiding**, the Grantors, in consideration of four hundred sixty-eight dollars (\$468), to them paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantors, **Vincent L. Sperling and Kayla M. Neiding**,
have hereunto set their hands this 9 day of September, 2020.


Vincent L. Sperling


Kayla M. Neiding

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Vincent L. Sperling and Kayla M. Neiding, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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



DAVID FRANCE
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lucas County
My Comm. Exp. 2/10/2021

Notary Public 

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.323 acre tract of land conveyed to Vincent L. Sperling, by deed recorded in Instrument Number 201806290028164 in the deed records of the Lucas County Recorder's Office and being part of the south 56 feet of Lot 150 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at an iron pin found in the centerline of Right-of-Way of Cushman Road, said monument also being at Station 33+86.97 in the construction plans for the Cushman Road Improvements Project on file with the City of Sylvania;

Thence South 01°09'44" East a distance of 1465.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 19+21.57;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said south 56 feet of Lot 150, said point also being at the southwest corner of the north 56 feet of Lot 150 of said Haverford Subdivision, said point also being 25.00' right of Station 19+21.57 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said south 56 feet of Lot 150, a distance of 15.00' to a point, said point also being 40.00' right of Station 19+21.57;

Thence South 01°09'44" East a distance of 56.00' to a point of the said grantor's south property line and south line of said south 56 feet of Lot 150, said point also being on the north line of Lot 149 and the north 24.00 feet of Lot 148 of the said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Grandview Home Services, LLC, by deed recorded in Instrument Number 201710190045967 in the deed records of the Lucas County Recorder's Office, said point also being 40.00' right of station 18+65.57;

Thence South 88°50'16" West along the south line of said south 56 feet of Lot 150, a distance of 15.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 18+65.57;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 56.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.019 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07824.

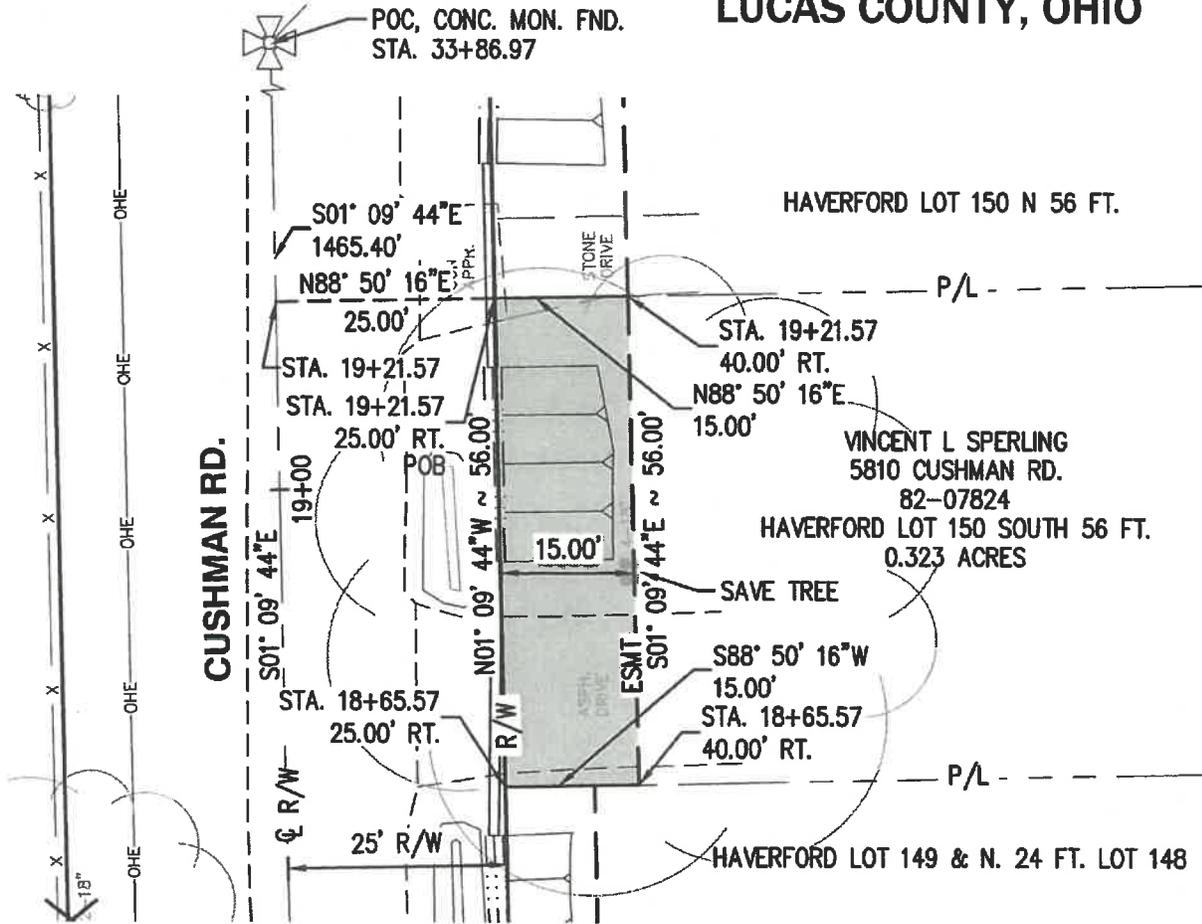
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris - 5/18/2020

Gregory L. Boudouris
Registered Surveyor of Ohio: No. 8083



**T9S, R6E
SE QTR. SEC 3
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**



CUSHMAN RD.

BASIS OF BEARINGS:

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

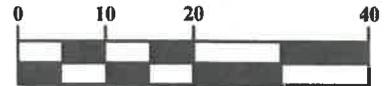
CERTIFICATION:

I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM RECORDS AND SURVEY DATA PROVIDED BY THE CITY OF SYLVANIA, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

Gregory L. Boudouris .5/18/2020
GREGORY L. BOUDOURIS, P.E., P.S.
PROFESSIONAL SURVEYOR NO. 8083

TEMPORARY EASEMENT
(0.019 ACRES)

GRAPHIC SCALE



1 inch = 20 feet

SCALE: 1" = 20'
JOB NUMBER: 28-26
DRAWING DATE: 5-15-20
DRAWN BY: RGS
EXHIBIT: B



ESA

Engineers, Surveyors & Associates, LLC
1323 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

EXHIBIT "B"
TEMPORARY EASEMENT
FOR 5810 CUSHMAN RD.

CUSHMAN ROAD IMPROVEMENTS

7c

ORDINANCE NO. 76 -2020

**ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM
PETER E. SCHULTZ FOR THE IMPROVEMENT OF CUSHMAN ROAD;
DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC
PURPOSES; APPROPRIATING FUNDS THEREFORE; AND
DECLARING AN EMERGENCY.**

WHEREAS, plans for the improvement of Cushman Road in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the project includes re-establishing and re-profiling the front yard drainage swales including flatter and more gradual side slopes to ease property maintenance; and,

WHEREAS, Mr. Schultz is entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and he has executed and delivered a grant of temporary easement to this City for which he will be paid the sum of Two Hundred Sixty-Six Dollars (\$266.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Peter E. Schultz, the grantor therein.

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

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

SECTION 4. That, to provide funds for payment to the Grantor of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Two Hundred Sixty-Six Dollars (\$468.00).

SECTION 5. 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 6. 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 7. 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 improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. 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, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Peter E. Schultz**, the Grantor, in consideration of two hundred sixty-six dollars (\$266), to him paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantor, **Peter E. Schultz**, has hereunto set his hand this

5 day of August, 2020.



Peter E. Schultz

STATE OF OHIO

}SS

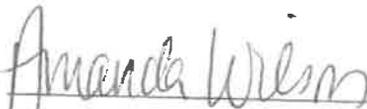
COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Peter E. Schultz, who acknowledged the signing thereof to be his voluntary act and deed for the purpose therein mentioned.

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



AMANDA WILSON Notary Public
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
03-25-2024



08.05.20

03-25-2024 - Exp. Date

City of Sylvania, Ohio

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.323 acre tract of land conveyed to Peter E. Schultz, by deed recorded in Instrument Number 200808210042079 in the deed records of the Lucas County Recorder's Office and being part of the North 56 feet of Lot 150 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at an iron pin found in the centerline of Right-of-Way of Cushman Road, said monument also being at Station 33+86.97 in the construction plans for the Cushman Road Improvements Project on file with the City of Sylvania;

Thence South 01°09'44" East a distance of 1409.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 19+77.57;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said north 56 feet of Lot 150, said point also being at the southwest corner of Lot 151 of said Haverford Subdivision, said point also being 25.00' right of Station 19+77.57 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said north 56 feet of Lot 150, a distance of 15.00' to a point, said point also being 40.00' right of Station 19+77.57;

Thence South 01°09'44" East a distance of 56.00' to a point on the said grantor's south property line and south line of said north 56 feet of Lot 150, said point also being on the north line of the south 56 feet of Lot 150 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Vincent L. Sperling, by deed recorded in Instrument Number 201806290028164 in the deed records of the Lucas County Recorder's Office, said point also being 40.00' right of station 19+21.57;

Thence South 88°50'16" West along the south line of said north 56 feet of Lot 150, a distance of 15.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 19+21.57;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 56.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.019 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07821.

This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris . 5/18/2020

Gregory L. Boudouris
Registered Surveyor of Ohio: No. 8083



7d

ORDINANCE NO. 77 -2020

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM LUKE D. CUTLIP AND BROOKE A. CUTLIP FOR THE IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the improvement of Cushman Road in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the project includes re-establishing and re-profiling the front yard drainage swales including flatter and more gradual side slopes to ease property maintenance; and,

WHEREAS, Mr. and Mrs. Cutlip are entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Two Hundred Sixty-Nine Dollars (\$269.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Luke D. Cutlip and Brooke A. Cutlip, the grantors therein.

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

SECTION 3. That the Director of Law is hereby directed to deliver the recorded

temporary easement document to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Two Hundred Sixty-Nine Dollars (\$269.00).

SECTION 5. 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 6. 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 7. 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 improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. 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, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Luke D. Cutlip and Brooke A. Cutlip**, the Grantors, in consideration of two hundred sixty-nine dollars (\$269), to it paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

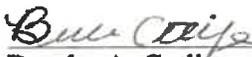
During construction, the said Grantee shall furnish reasonable access across the easement when such easement divides the property or the Grantors from the public roadway providing access thereto. Said Grantee shall provide that the easement area shall be restored to a condition similar to what exists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

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

IN WITNESS WHEREOF, the Grantors, **Luke D. Cutlip and Brooke A. Cutlip**, have hereunto set their hands this 15th day of September, 2020.



Luke D. Cutlip



Brooke A. Cutlip

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Luke D. Cutlip and Brooke A. Cutlip, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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



NICOLE L. ROBBINS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lucas County
My Comm. Exp. 10/27/2021

Notary Public 

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.647 acre tract of land conveyed to Luke D. Cutlip and Brooke A. Cutlip, by deed recorded in Instrument Number 202008130033388 in the deed records of the Lucas County Recorder's Office and being part of Lot 152 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at an iron pin found in the centerline of Right-of-Way of Cushman Road, said monument also being at Station 33+86.97 in the construction plans for the Cushman Road Improvements Project on file with the City of Sylvania;

Thence South 01°09'44" East a distance of 1185.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 22+01.58;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 152, said point also being at the southwest corner of Lot 153 except the north 56 feet, of said Haverford Subdivision, said point also being 25.00' right of Station 22+01.58 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said Lot 152, a distance of 10.00' to a point, said point also being 35.00' right of Station 22+01.58;

Thence South 01°09'44" East a distance of 112.00' to a point on the said grantor's south property line and south line of said Lot 152, said point also being on the north line of Lot 151 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Sharon A. and Larry Duvall, by deed recorded in Instrument Number 199305270856033 in the deed records of the Lucas County Recorder's Office, said point also being 35.00' right of station 20+89.57;

Thence South 88°50'16" West along the south line of said Lot 152, a distance of 10.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 20+89.57;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 112.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.026 acres of land, more or less, and is subject to all legal highways and easements of record.

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

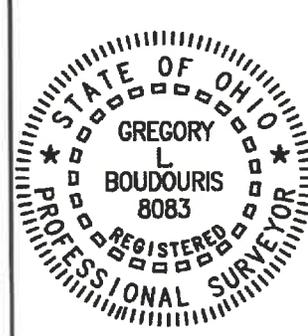
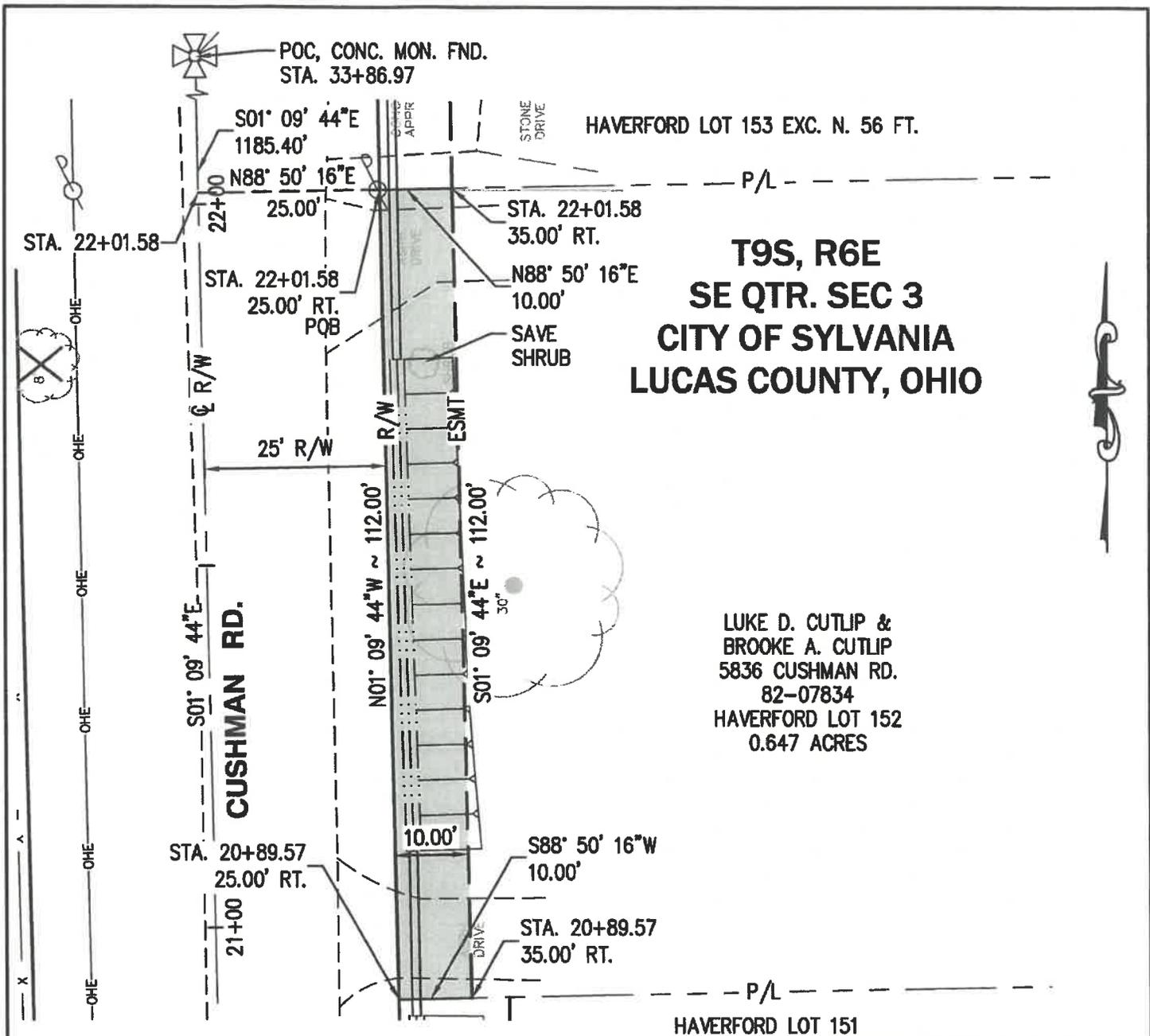
The above described area is contained within Lucas County Auditor's tax district parcel number 82-07834.

This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris = 8/20/2020

Gregory L. Boudouris
Registered Surveyor of Ohio: No. 8083

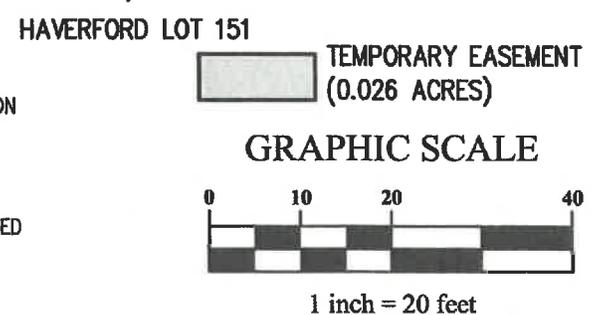




BASIS OF BEARINGS:
 THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

CERTIFICATION:
 I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM RECORDS AND SURVEY DATA PROVIDED BY THE CITY OF SYLVANIA, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

Gregory L. Boudouris - 8/20/2020
 GREGORY L. BOUDOURIS, P.E., P.S.
 PROFESSIONAL SURVEYOR NO. 8083



SCALE: 1" = 20'
JOB NUMBER: 28-26
DRAWING DATE: 5-15-20
DRAWN BY: RGS
EXHIBIT: B

ESA
Engineers, Surveyors & Associates, LLC
 5353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

EXHIBIT 'B'
 TEMPORARY EASEMENT
 FOR 5836 CUSHMAN RD.
 CUSHMAN ROAD IMPROVEMENTS

7e

ORDINANCE NO. 78 -2020

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM CHEUNG W. TANG FOR THE IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the improvement of Cushman Road in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the project includes re-establishing and re-profiling the front yard drainage swales including flatter and more gradual side slopes to ease property maintenance; and,

WHEREAS, Mr. Tang is entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and he has executed and delivered a grant of temporary easement to this City for which he will be paid the sum of One Hundred Sixty-Three Dollars (\$163.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Cheung W. Tang, the grantor therein.

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

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

SECTION 4. That, to provide funds for payment to the Grantor of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of One Hundred Sixty-Three Dollars (\$163.00).

SECTION 5. 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 6. 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 7. 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 improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. 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, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Cheung W. Tang**, the Grantor, in consideration of one hundred sixty-three dollars (\$163), to him paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantor, **Cheung W. Tang**, has hereunto set his hand this
26th day of July, 2020.



Cheung W. Tang

STATE OF ~~OHIO~~^{of} Michigan

}SS

COUNTY OF ~~LUCAS~~^{of} Genesee

Before me, a Notary Public, in and for said County and State, personally appeared Cheung W. Tang, who acknowledged the signing thereof to be his voluntary act and deed for the purpose therein mentioned.

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



Notary Public 

City of Sylvania, Ohio

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.324 acre tract of land conveyed to Cheung W. Tang, by deed recorded in Instrument Number 201203050010375 in the deed records of the Lucas County Recorder's Office and being part of Lot 153 except the North 56 Feet in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at an iron pin found in the centerline of Right-of-Way of Cushman Road, said monument also being at Station 33+86.97 in the construction plans for the Cushman Road Improvements Project on file with the City of Sylvania;

Thence South 01°09'44" East a distance of 1129.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 22+57.58;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 153 except the north 56 feet, said point also being at the southwest corner of the north 56 feet of Lot 153 of said Haverford Subdivision, said point also being 25.00' right of Station 22+57.58 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said Lot 153 except the north 56 feet, a distance of 10.00' to a point, said point also being 35.00' right of Station 22+57.58;

Thence South 01°09'44" East a distance of 56.00' to a point on the said grantor's south property line and south line of said Lot 153 except the north 56 feet, said point also being on the north line of Lot 152 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Toledo Transformation, LLC, by deed recorded in Instrument Number 202001210002872 in the deed records of the Lucas County Recorder's Office, said point also being 35.00' right of station 22+01.58;

Thence South 88°50'16" West along the south line of said Lot 153 except the north 56 feet, a distance of 10.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 22+01.58;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 57.46' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.013 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07841.

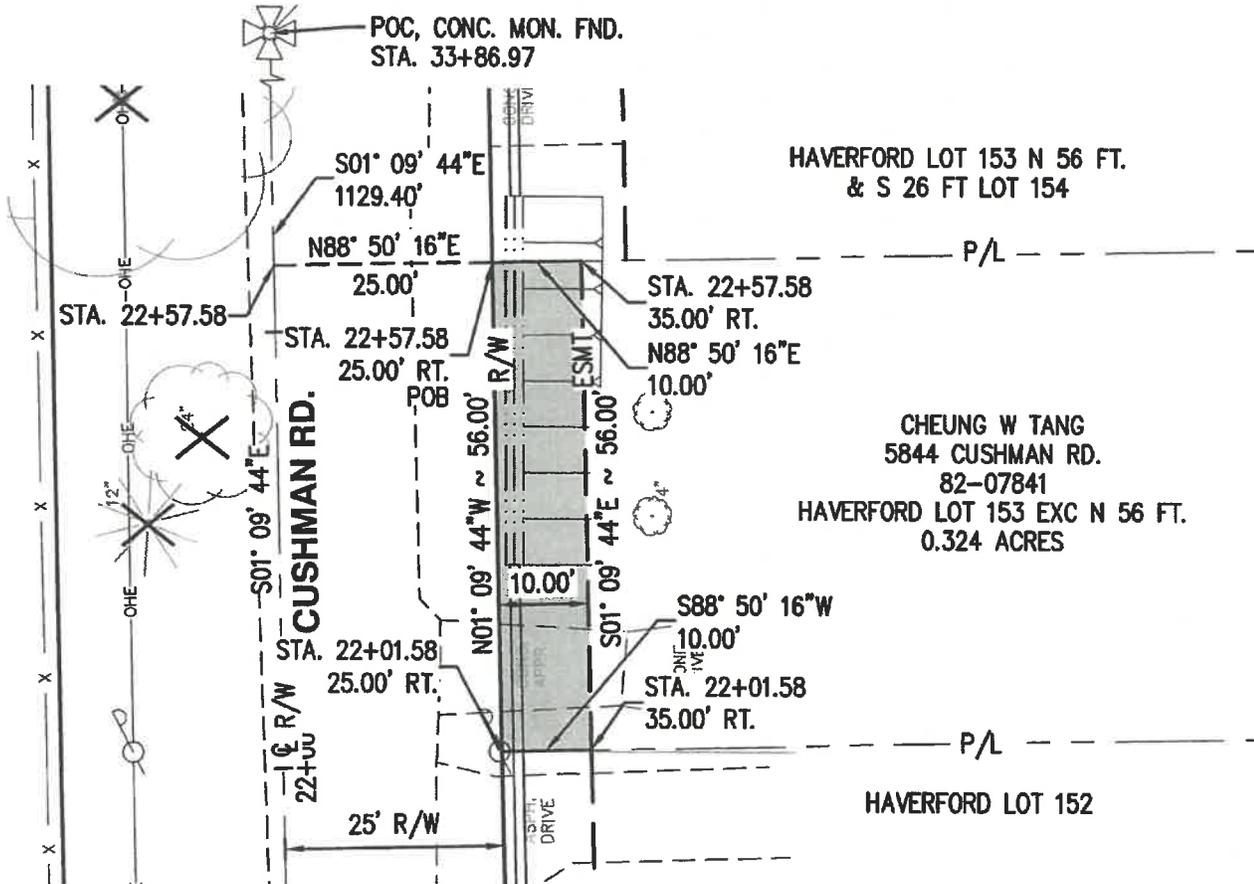
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris 5/18/2020

Gregory L. Boudouris
Registered Surveyor of Ohio: No. 8083



**T9S, R6E
SE QTR. SEC 3
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**



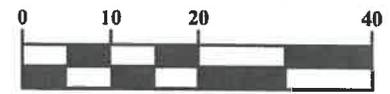
HAVERFORD LOT 153 N 56 FT.
& S 26 FT LOT 154

CHEUNG W TANG
5844 CUSHMAN RD.
82-07841
HAVERFORD LOT 153 EXC N 56 FT.
0.324 ACRES

HAVERFORD LOT 152

TEMPORARY EASEMENT
(0.013 ACRES)

GRAPHIC SCALE



1 inch = 20 feet

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

CERTIFICATION:
I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM RECORDS AND SURVEY DATA PROVIDED BY THE CITY OF SYLVANIA, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

Gregory L. Boudouris 5/18/2020
GREGORY L. BOUDOURIS, P.E., P.S.
PROFESSIONAL SURVEYOR NO. 8083



SCALE: 1" = 20'
JOB NUMBER: 28-26
DRAWING DATE: 5-15-20
DRAWN BY: RGS
EXHIBIT: B

ESA
Engineers, Surveyors & Associates, LLC
1233 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-8445

EXHIBIT "B"
TEMPORARY EASEMENT
FOR 5844 CUSHMAN RD.

CUSHMAN ROAD IMPROVEMENTS

ORDINANCE NO. 79 -2020

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM MARVING REAL ESTATE, LLC FOR THE IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the improvement of Cushman Road in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the project includes re-establishing and re-profiling the front yard drainage swales including flatter and more gradual side slopes to ease property maintenance; and,

WHEREAS, Marving Real Estate, LLC is entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and he has executed and delivered a grant of temporary easement to this City for which he will be paid the sum of Eight Thousand Four Hundred Twenty-Seven Dollars (\$8,427.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Marving Real Estate, LLC, the grantor therein.

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

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

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Marving Real Estate, LLC, an Ohio limited liability company**, the Grantor, in consideration of eight thousand four hundred twenty-seven dollars (\$8,427), to it paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantor, **Marving Real Estate, LLC**, an Ohio limited liability company, has hereunto set its hand this 21ST day of AUGUST, 2020.



Marving Real Estate, LLC
an Ohio limited liability company
Will Irving



Marving Real Estate, LLC
an Ohio limited liability company
Ryan Marquardt

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Will Irving and Ryan Marquardt with Marving Real Estate, LLC, an Ohio limited liability company, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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

Notary Public



NICOLE L. ROBBINS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Lucas County
My Comm. Exp. 10/27/2021

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.648 acre tract of land conveyed to Marving Real Estate, LLC, by deed recorded in Instrument Number 201703020009089 in the deed records of the Lucas County Recorder's Office and being part of Lot 160 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at an iron pin found in the centerline of Right-of-Way of Cushman Road, said monument also being at Station 33+86.97 in the construction plans for the Cushman Road Improvements Project on file with the City of Sylvania;

Thence South 01°09'44" East a distance of 241.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 31+45.57;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 160, said point also being at the southwest corner of Lot 161 of said Haverford Subdivision, said point also being 25.00' right of Station 31+45.57 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said Lot 160, a distance of 20.00' to a point, said point also being 45.00' right of Station 31+45.57;

Thence South 01°09'44" East a distance of 112.00' to a point on the said grantor's south property line and south line of said Lot 160, said point also being on the north line of Lot 159 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to George Henry and Bernadine A. Roberts, by deed recorded in Instrument Number 200203270214368 in the deed records of the Lucas County Recorder's Office, said point also being 45.00' right of station 30+33.57;

Thence South 88°50'16" West along the south line of said Lot 160, a distance of 20.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 30+33.57;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 112.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.051 acres of land, more or less, and is subject to all legal highways and easements of record.

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

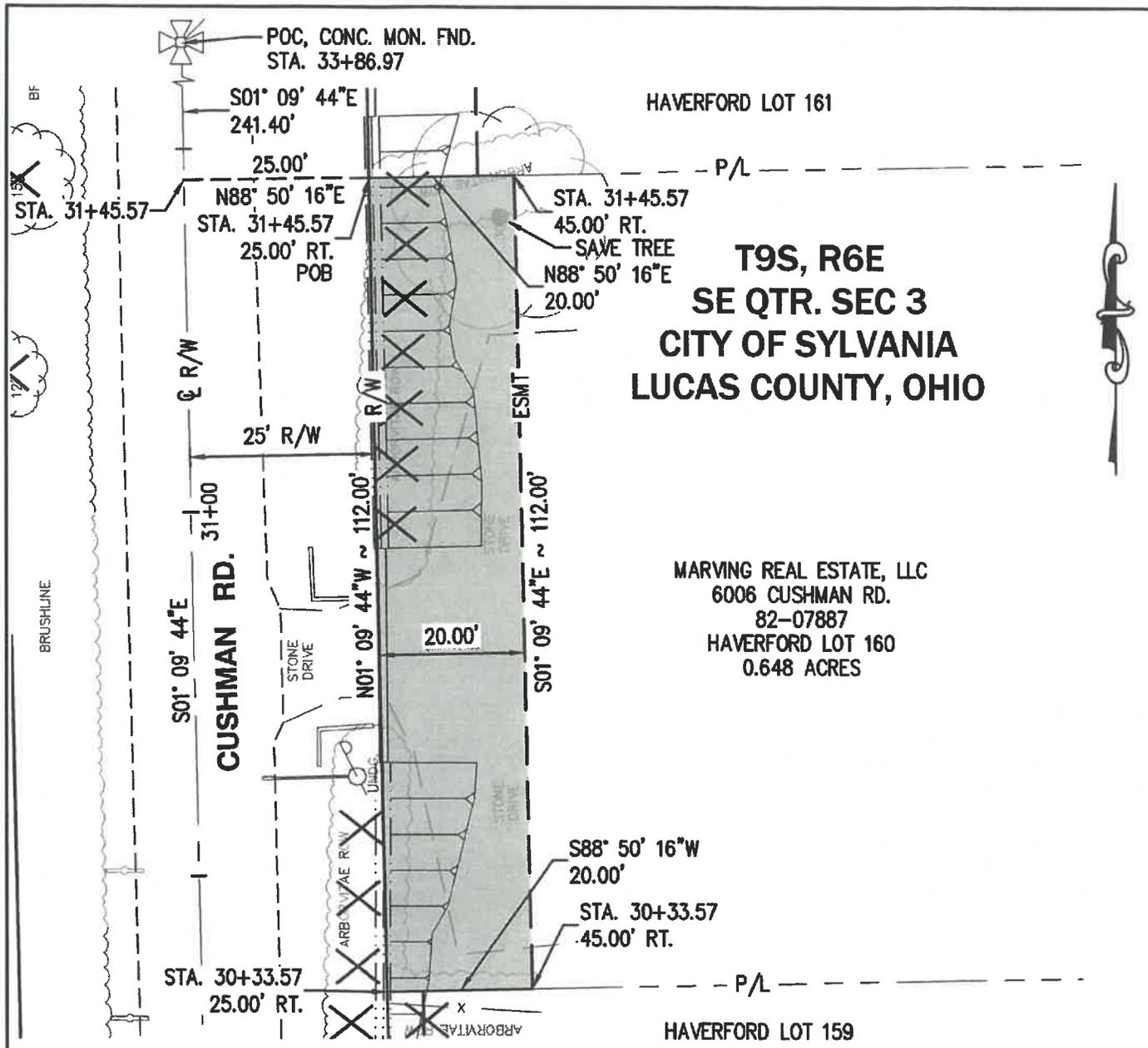
The above described area is contained within Lucas County Auditor's tax district parcel number 82-07887.

This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris - 5/18/2020

Gregory L. Boudouris
Registered Surveyor of Ohio: No. 8083





**T9S, R6E
SE QTR. SEC 3
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**

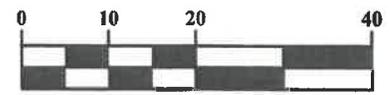
MARVING REAL ESTATE, LLC
6006 CUSHMAN RD.
82-07887
HAVERFORD LOT 160
0.648 ACRES

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

CERTIFICATION:
I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM RECORDS AND SURVEY DATA PROVIDED BY THE CITY OF SYLVANIA, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

Gregory L. Boudouris
GREGORY L. BOUDOURIS, P.E., P.S.
PROFESSIONAL SURVEYOR NO. 8083

TEMPORARY EASEMENT
(0.051 ACRES)
GRAPHIC SCALE



1 inch = 20 feet

SCALE: 1" = 20'
JOB NUMBER: 28-26
DRAWING DATE: 5-15-20
DRAWN BY: RGS
EXHIBIT: B



ESA
Engineers, Surveyors & Associates, LLC
5333 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

EXHIBIT "B"
TEMPORARY EASEMENT
FOR 6006 CUSHMAN RD.
CUSHMAN ROAD IMPROVEMENTS

8a



October 5, 2020

To: The Mayor and Members of Sylvania City Council

Re: **20' Sanitary Sewer Easement Request (4850 King Road)**

Dear Mr. Mayor and Council Members:

The Sylvania Municipal Planning Commission approved Lot Split App. No. 3 on December 13, 2017 which split 4902 King Road into two lots (addresses of 4850 and 4902 King Road). A sanitary sewer permit was sold earlier this year for the property located at 4850 King Road for the construction of a new residential home. During our research of available taps, we discovered a documentation issue regarding an existing 20' sanitary sewer easement along the King Road frontage for both parcels.

In 1989 the City extended a 15" sanitary sewer on King Road from Brint Road to approximately 3,700 south of Brint Road. As a part of that project the City obtained several easements from the adjoining property owners for the construction, operation, and perpetual maintenance of the sewer outside of the existing right-of-way.

Our files indicated the City agreed to a 20-foot easement and obtained signatures from the owners of 4902 King Road (Gary P. Burk and Delores F. Burk) on January 9th, 1989. However, the easement was not formally accepted by City Council or the Lucas County Recorder's Office. As a result, we would like to formally record the necessary sanitary sewer easement for 4850 King Road.

The Service Department obtained the enclosed signed easement from the property owners (John E. Nowakowski and Cynthia Nowakowski) at 4850 King Road. The Department is working with the property owner at 4902 King Road on an easement agreement and is hopeful to have the request ready for Council consideration at a future meeting.

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

Sincerely,

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

8b

ORDINANCE NO. 80 -2020

ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM JOHN E. NOWAKOWSKI AND CYNTHIA NOWAKOWSKI; DEDICATING THE EASEMENT FOR PUBLIC PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, in 1989, the City extended a 15” sanitary sewer on King Road from Brint Road to approximately 3,700 feet south of Brint Road and as part of that project, the City acquired easements from the adjoining property owners for the construction, operation, and perpetual maintenance of the sewer outside of the existing right-of-way; and,

WHEREAS, in 2017, the Sylvania Municipal Planning Commission approved a lot split application to split 4902 King Road into two lots, with addresses of 4850 and 4902 King Road; and,

WHEREAS, the Director of Public Service, by report dated October 5, 2020, reported that the new owners of 4850 King Road purchased a sanitary sewer permit earlier this year for a new home to be constructed on their property; and,

WHEREAS, although a 20’ easement was obtained from the owners of 4902 King Road in 1989 when the sanitary sewer was extended, it was never recorded or accepted by Sylvania City Council; and,

WHEREAS, the Director of Public Service has obtained the necessary easement from John E. Nowakowski and Cynthia Nowakowski for the property located at 4850 King Road and would recommend that Council approve said easement.

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 John E. Nowakowski and Cynthia Nowakowski, the grantors 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 public purposes as 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 easement should be accepted 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, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

20' SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That **John E. Nowakowski and Cynthia Nowakowski**, the Grantors, in consideration of one dollar (\$1), and other good and valuable considerations, to them paid by the **City of Sylvania**, the Grantee, do hereby grant, bargain, sell, convey and release to the said Grantee, its successors and assigns forever, an easement for the construction and maintenance of a public sanitary sewer, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

The Grantors claims title by instrument recorded in Instrument Number 201805040019090 in the Deed Records of the Lucas County Recorder's Office.

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

IN WITNESS WHEREOF, the Grantors, **John E. Nowakowski and Cynthia**

Nowakowski, has hereunto set their hands this 22 day of July, 2020.

John E. Nowakowski

John E. Nowakowski

Cynthia Nowakowski

Cynthia Nowakowski

STATE OF OHIO

}SS

COUNTY OF LUCAS,

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

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



PEGGY A. RENTZ
NOTARY PUBLIC - OHIO

12-8-2024

Notary Public

Peggy A. Rentz

City of Sylvania, Ohio

By: _____

Craig. A. Stough, Mayor

By: _____

Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

20' SANITARY SEWER EASEMENT

Situated in the State of Ohio, County of Lucas, City of Sylvania, Northwest Quarter of Section 16, Town 9 South, Range 6 East, being part of 1.169-acre tract of land conveyed to John E. Nowakowski & Cynthia Nowakowski, by deed recorded in Instrument Number 202001290004247 in the Deed Records of the Lucas County Recorder's Office and being more particularly described as follows:

Commencing at a found iron bolt in monument box at the northwest corner of said Section 16, said found iron bolt also being on the west line of the northwest quarter of Section 16, said point also being on the centerline of right-of-way of King Road;

Thence South $00^{\circ}49'51''$ East a distance of 666.76' on the west line of the northwest quarter of Section 16 and the centerline of right-of-way of King Road to a point, said point being on the north line of a parcel of land conveyed to John E. Nowakowski & Cynthia Nowakowski by deed recorded in Instrument Number 202001290004247 in the Deed Records of the Lucas County Recorder's Office, said point also being on the south line of a parcel of land conveyed to Zachary Brumbaugh and Olivia Kish by deed recorded in Instrument Number 201805040019090 in the Deed Records of the Lucas County Recorder's Office;

Thence North $89^{\circ}10'09''$ East a distance of 30.00' on the said north line of a parcel of land conveyed to John E. Nowakowski & Cynthia Nowakowski and on the said south line of a parcel of land conveyed to Zachary Brumbaugh and Olivia Kish to a point on the existing east right-of-way line of King Road, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing North $89^{\circ}10'09''$ East a distance of 20.00' on the said north line of a parcel of land conveyed to John E. Nowakowski & Cynthia Nowakowski and on the said south line of a parcel of land conveyed to Zachary Brumbaugh and Olivia Kish to a point;

Thence South $00^{\circ}49'51''$ East a distance of 113.24' on a line parallel with and 20' easterly of the said existing east right-of-way of King Road to a point, said point being on the south line of a parcel of land conveyed to John E. Nowakowski & Cynthia Nowakowski, said point also being on the north line of a parcel of land conveyed to Plat Six Country Walk Homeowners Association by deed recorded in Microfiche 02 0083A06 in the Deed Records of the Lucas County Recorder's Office;

Thence South $89^{\circ}10'09''$ West a distance of 20.00' on the said south line of a parcel of land conveyed to John E. Nowakowski & Cynthia Nowakowski and on the said north line of a parcel of land conveyed to Plat Six Country Walk Homeowners Association to a point on the said east right-of-way of King Road;

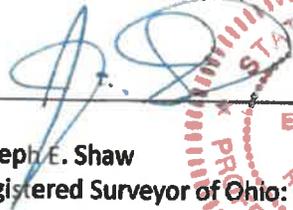
Thence North $00^{\circ}49'51''$ West a distance of 113.24' on the said existing east right-of-way line of King Road to the **TRUE POINT OF BEGINNING**.

Said parcel contains 0.052 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-94074.

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



JOSEPH EDWIN SHAW
8-8491
PROFESSIONAL SURVEYOR

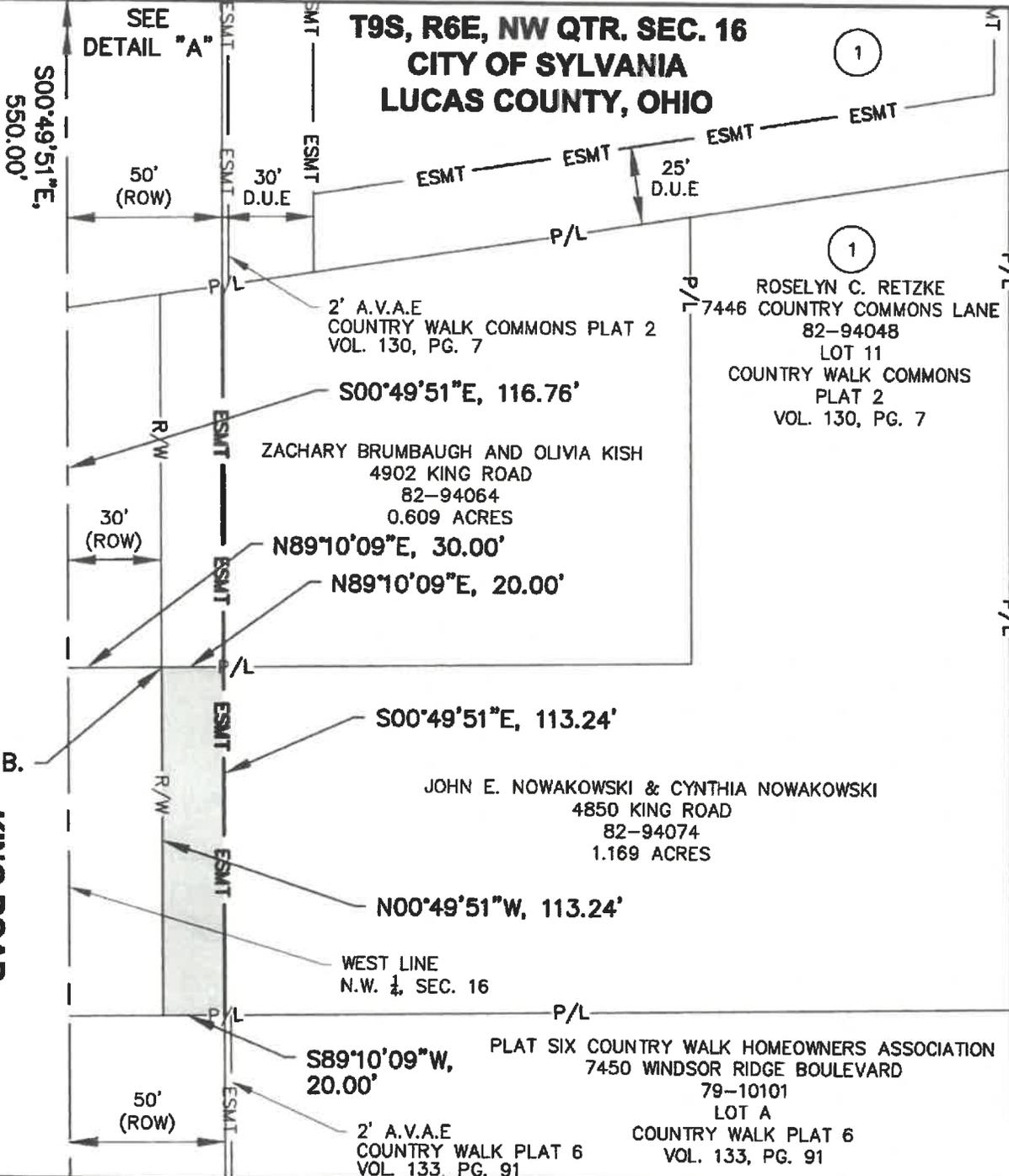
7/21/2020

Joseph E. Shaw

Registered Surveyor of Ohio: No. 8491

Date

**T9S, R6E, NW QTR. SEC. 16
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**



**P.O.B.
KING ROAD**



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

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

JOSEPH E. SHAW, P.E., P.S.
STATE OF OHIO REGISTERED LAND SURVEYOR #2481

**FND. IRON BOLT
NW COR. SEC. 16**



DETAIL "A"

**20' SANITARY SEWER EASEMENT
(0.052 ACRES)**

EXHIBIT: B
DRAWN BY: JES
DATE: 7/20/2020



DEPARTMENT OF PUBLIC SERVICE
**SANITARY SEWER EASEMENT
4850 KING ROAD**

9a



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 5, 2020

To: The Mayor and Members of Sylvania City Council

Re: **30' Waterline Easement Request (6454 Monroe Street)**

Dear Mr. Mayor and Council Members:

Republic Development and JC Hart are continuing construction efforts on the SOMO Flats project. Nearly all of the underground utility infrastructure is in place except a small section of 8" waterline scheduled to cross Monroe Street.

The Service Department and the SOMO Flats construction team have been diligently working on finding a constructible route to cross the road. The proposed waterline must navigate around storm sewer, sanitary sewer, communication, and gas infrastructure before connecting to the existing waterline on the north side of the road.

A preferred crossing location has been determined and in order to accommodate the improvement the Service Department will need a utility easement from the property owner across the street. The easement will not only provide the SOMO contractor the necessary space to construct the tie-in but will also assist the Water Department by providing access for future maintenance activities.

The property is owned by Dave White Real Estate, LLC and is located at 6454 Monroe Street. The Service Department has coordinated this easement request with Dave White Real Estate and has reached an agreement.

We would recommend approval of the easement request with Dave White Real Estate, LLC. Please call if you should have any questions.

Sincerely,

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

9b

ORDINANCE NO. 81 -2020

ACCEPTING A PERMANENT WATERLINE EASEMENT FROM DAVE WHITE REAL ESTATE, LLC; DEDICATING THE EASEMENT FOR PUBLIC PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, the construction of the SOMO Flats Development is proceeding and nearly all of the underground utility infrastructure is in place, except a small section of 8” waterline to be installed across Monroe Street; and,

WHEREAS, a preferred crossing location has been identified and the Service Department has obtained the necessary easement from Dave White Real Estate, LLC, the owner of the property; and,

WHEREAS, the Director of Public Service, by report dated October 5, 2020, has recommended that Council approve said easement that will provide for the waterline tie-in as well as future maintenance of the waterline.

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 so executed and tendered as described on “Exhibit A” be, and the same hereby is, accepted from Dave White Real Estate, 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 public purposes as 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 easement should be accepted 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, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

30' WATERLINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That **Dave White Real Estate, LLC**, the Grantor, in consideration of one dollar (\$1), 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 the said Grantee, its successors and assigns forever, an easement for the construction and maintenance of a public waterline, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

The Grantee, their successors and assigns, and any contractors or subcontractors, shall restore any disturbed grounds within the easement area to a condition similar to the existing, or better, as a result of any construction or maintenance activities of the public waterline.

The Grantor claims title by instrument recorded in Instrument Number 20171229-0056626 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 are well seized of the same, and have good right and full power to bargain, sell and convey the same in the manner aforesaid.

IN WITNESS WHEREOF, the Grantor, **Dave White Real Estate, LLC**, has hereunto set its hand this 29th day of September, 2020.

Dave White Chevrolet, Inc., an Ohio corporation, f/k/a Suburban Chevrolet Co., an Ohio corporation

By: 
Chad Bolles, Chief Financial Officer

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Chad Bolles, the Chief Financial Officer of Dave White Chevrolet, Inc., an Ohio corporation, f/k/a Suburban Chevrolet Co., an Ohio corporation, on behalf of the corporation, who acknowledged the signing thereof to be his voluntary act and deed for the purpose therein mentioned.

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

Notary Public 



DEE L. VINING
Notary Public - State of Ohio
My Commission Expires July 1, 2023

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

August 17, 2020
Revised August 18, 2020

30' WATERLINE EASEMENT

A parcel of land being part of the Northeast quarter (1/4) of Section Ten (10), Town Nine (9) South, Range Six (6) East, in the City of Sylvania, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of the centerline line of Monroe Street, with the centerline of North Main Street;

thence in an easterly direction along the centerline of Monroe Street, having a bearing of South eighty-six (86) degrees, forty-one (41) minutes, forty-two (42) seconds East a distance of six hundred seventy-eight and thirty-five hundredths (678.35') feet to a point;

thence North three (03) degrees, eighteen (18) minutes, eighteen (18) seconds East along a line, a distance of thirty-three and zero hundredths (33.00') feet the intersection of the northerly right-of-way line of Monroe Street, said point of intersection also being the Point of Beginning;

thence North three (03) degrees, eighteen (18) minutes, eighteen (18) seconds East along a line, a distance of twenty and zero hundredths (20.00') feet to a point;

thence South eighty-six (86) degrees, forty-one (41) minutes, forty-two (42) seconds East along a line, a distance of thirty and zero hundredths (30.00') feet to a point;

thence South three (03) degrees, eighteen (18) minutes, eighteen (18) seconds West along a line, a distance of twenty and zero hundredths (20.00') feet to a point;

thence North eighty-six (86) degrees, forty-one (41) minutes, forty-two (42) seconds West along a line, a distance of thirty and zero hundredths (30.00') feet to the Point of Beginning.

Said parcel of land containing an area of 593 square feet, 0.014 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements and restrictions of record.

The above described parcel of land consists of:
600 square feet, 0.014 acres of land within Tax Parcel No 82-11171.

The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurement.

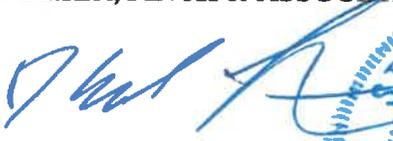
Said set and said found capped iron rebar being a 5/8" diameter and 30" long iron rebar with

plastic cap stamped "Feller Finch PS7827".

Prior Deed Reference is Official Record 20171229-0056626, Lucas County Deed Records.

Prepared by:

FELLER, FINCH & ASSOCIATES, INC.

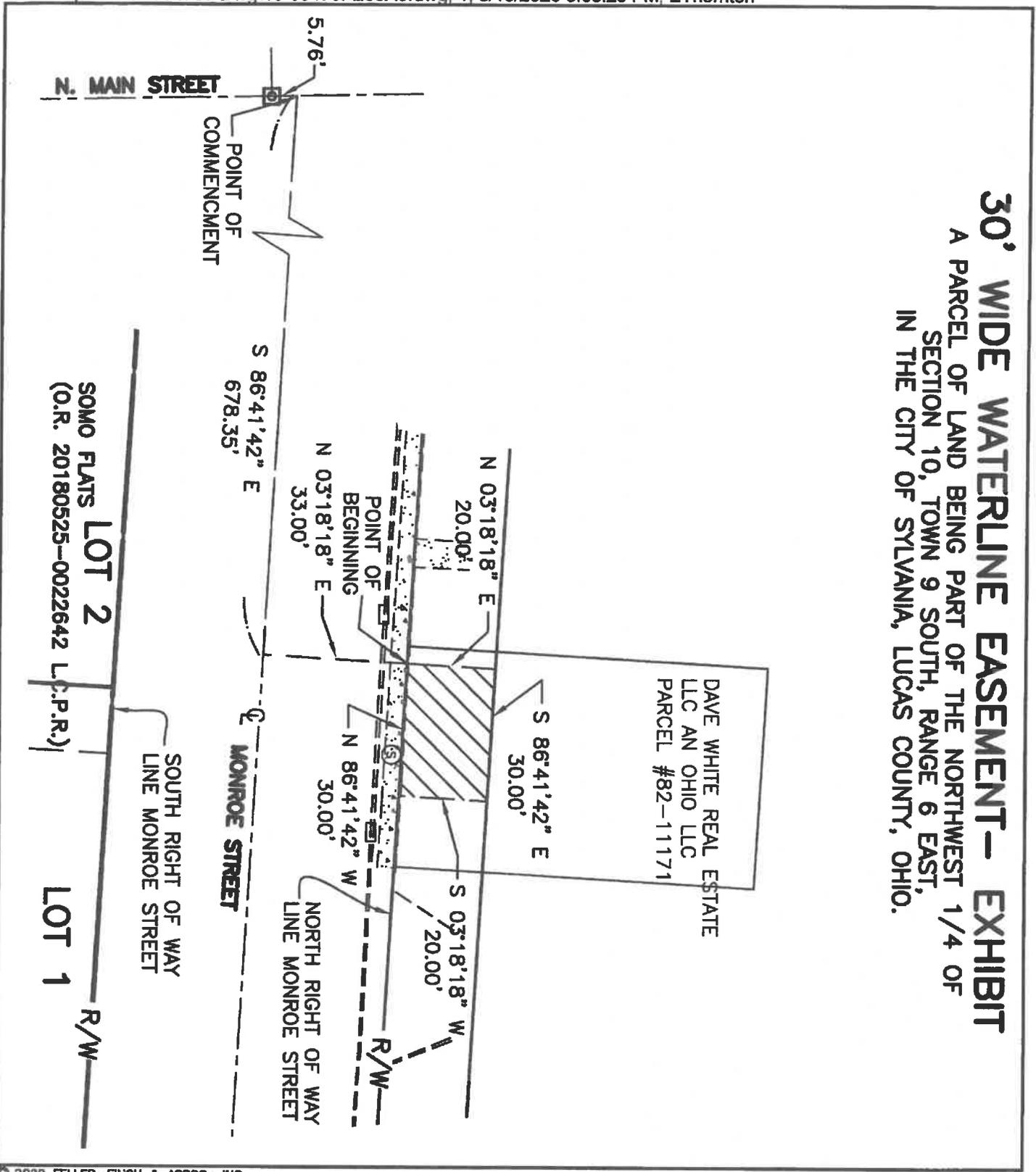


D. Edward Thornton, P. S.
Professional Surveyor No. 7827



The seal is circular with a double-line border. The outer ring contains the text "STATE OF OHIO" at the top and "PROFESSIONAL SURVEYOR" at the bottom, separated by two stars. The inner circle contains the name "DONALD EDWARD THORNTON" and the number "7827" below it.

30' WIDE WATERLINE EASEMENT— EXHIBIT
 A PARCEL OF LAND BEING PART OF THE NORTHWEST 1/4 OF
 SECTION 10, TOWN 9 SOUTH, RANGE 6 EAST,
 IN THE CITY OF SYLVANIA, LUCAS COUNTY, OHIO.



© 2020 FELLER, FINCH & ASSOC., INC.

SCALE:	1" = 30'
DATE:	8-17-20
DRAWN BY:	DLA
PROJECT NO.:	10E08470
DRAWING:	10-08470FE00A5

NORTH



Feller Finch
 & ASSOCIATES, INC.
 Engineers • Surveyors

1683 Woodlands Drive,
 Maumee, Ohio 43537
 Phone: (419) 893-3680
 Fax: (419) 893-2982
 www.fellerfinch.com

10a



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 5, 2020

To: The Mayor and Members of Sylvania City Council

Re: **South of Monroe (SOMO) – Engineering Contract for Retaining Wall Redesign Services**

Dear Mr. Mayor and Council Members:

On April 2, 2018 City Council authorized the Service Department (Ord. 18-2018) to enter into an engineering services contract with Northwest Consultants, Inc. (NCI) to prepare the construction plans and specifications for a new retaining wall along the north property line of the SOMO site. On December 2, 2019 City Council authorized the Service Department (Ord. 97-2019) to revise the construction plans and extend the retaining wall westerly to recently purchased property (commonly referred to as Joe's Tire).

When design began, the engineer determined the desired type of wall (Redi-Rock gravity retaining wall) was not a feasible alternative due to current product height limitations. As a result, the basis of design was changed from a gravity wall to a cast-in-place concrete cantilever wall, a much more expensive project.

We were subsequently notified by our local Redi-Rock supplier (Turner Concrete Products) in April 2020 that a new product was available for taller gravity wall applications. The manufacturer reviewed our SOMO Flats application and determined a substantial cost savings could be achieved by switching to this new product. As a result, the Service Department would like to have the construction plans redesigned for a gravity wall application using the Redi-Rock XL product. Turner Concrete Products uses DGL Consulting Engineers, LLC as their local engineering resource to design Redi-Rock systems. DGL has prepared the enclosed proposal to fully update the construction plans and cost estimate.

Funds for the redesign would be taken out of our Capital Improvement Fund account number 401-7750-53556. We would recommend approval of the proposal from DGL Consulting Engineers, LLC in the amount of \$21,700. Please call if you should have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

10b

ORDINANCE NO. 82 -2020

ACCEPTING THE PROPOSAL OF DGL CONSULTING ENGINEERS, LLC TO PROVIDE ENGINEERING SERVICES FOR THE SOUTH OF MONROE (SOMO) RETAINING WALL REDESIGN; APPROPRIATING FUNDS THEREFORE IN AN AMOUNT NOT TO EXCEED \$21,700; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 18-2018, passed April 2, 2018, accepted the proposal of Northwest Consultants, Inc. to provide structural engineering services for the South of Monroe (SOMO) Retaining Wall Improvement Project; and,

WHEREAS, Ordinance No. 86-2019, passed October 7, 2019, authorized the Mayor and Director of Finance to enter into an Assignment of Purchase Agreement for the property located at 6501, 6503 & 6511 Monroe St. and authorized the purchase of said property; and,

WHEREAS, Ordinance No. 97-2019, passed December 2, 2019, accepted the proposal of Fishbeck (formerly NCI) to provide professional engineering services for the SOMO Retaining Wall Improvement Project to extend the retaining wall behind 6501, 6503 & 6511 Monroe Street (former Joe's Tire Property); and,

WHEREAS, when design of the retaining wall began, the engineer determined that the wall should be a cast-in-place cantilever wall rather than a gravity wall due to product height limitations at that time; and,

WHEREAS, in April, the Service Department was notified that a new Redi-Rock product was available for taller gravity wall applications; and,

WHEREAS, the manufacturer reviewed the proposed SOMO plans and determined that the new product could be used which would result in a substantial savings; and,

WHEREAS, the Director of Public Service, by report dated October 5, 2020, has recommended that the construction plans be redesigned for a gravity wall application using the

Redi-Rock XL product and has recommended the proposal of DGL Consulting Engineers, LLC for the retaining wall redesign be approved in an amount not to exceed \$21,700.

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

SECTION 1. That the proposal of DGL Consulting Engineers, LLC in an amount not to exceed the total sum of Twenty-One Thousand Seven Hundred Dollars (\$21,700.00) to provide engineering services for the SOMO retaining wall redesign, is hereby approved and accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said engineers to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said engineering services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7750-53556 –South of Monroe St.** an amount not to exceed Twenty-One Thousand Seven Hundred Dollars (\$21,700.00).

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 professional engineering services should commence at the earliest possible time and therefore this Ordinance should be effective immediately. 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, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

11

ORDINANCE NO. 83 -2020

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS, FOR THE PROVISION OF PUBLIC DEFENDER SERVICES TO THE SYLVANIA MUNICIPAL COURT FOR THE YEAR 2021; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Lucas County Commissioners created a public defender commission to contract for public defender services for the legal representation of indigent persons; and,

WHEREAS, the City of Sylvania desires to be included within the plan for appointment of counsel in the Sylvania Municipal Court; and,

WHEREAS, Ordinance No. 82-2005, passed December 19, 2005, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for providing public defender services to the Sylvania Municipal Court for the year 2006 at a cost of Twenty-Eight Thousand Dollars (\$28,000.00); and,

WHEREAS, Ordinance No. 32-2008, passed April 7, 2008, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the years 2007 and 2008 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00) per year; and,

WHEREAS, Ordinance No. 101-2009, passed October 5, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2009 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, Ordinance No. 114-2009, passed November 2, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for

the year 2010 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, Ordinance No. 6-2011, passed February 7, 2011, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2011 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 10-2012, passed January 18, 2012, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2012 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 38-2013, passed April 15, 2013, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2013 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 1-2014, passed January 6, 2014, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2014 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 51-2016, passed August 15, 2016, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2015 at a cost of \$32,700 and 2016 at a cost of \$29,400; and,

WHEREAS, Ordinance No. 76-2016, passed November 21, 2016, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2017 at a cost of \$29,400; and,

WHEREAS, Ordinance No. 83-2017, passed November 6, 2017, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2018 at a cost of \$24,000; and,

WHEREAS, Ordinance No. 74-2018, passed December 17, 2018, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2019 at a cost of \$24,600; and,

WHEREAS, the Director of Law has received the proposed Agreement with the Board of Lucas County Commissioners for the provision of Public Defender services to the Sylvania Municipal Court for the year 2020; and,

WHEREAS, the proposed Agreement provides that the City will pay \$12,900 for public defender services for 2020.

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 Agreements with the Board of Lucas County Commissioners, in the form and substance of "Exhibit A" this Council hereby agreeing to appropriate the necessary funds for payment required under said Agreement.

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Agreement should be authorized immediately so that defendants appearing in Sylvania Municipal Court can continue to receive Public Defender

services. 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, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

AGREEMENT

This Agreement is made this _____ day of _____, 20____ by and between the Lucas County Public Defender Commission and the City of Sylvania.

WHEREAS, the Board of Lucas County Commissioners (hereinafter referred to as "the County") has created a Public Defender Commission pursuant to Ohio Revised Code Section 120.13; and

WHEREAS, the Lucas County Public Defender Commission (hereinafter referred to as "LCPDC") pursuant to Sections 120.04 and 120.13 of the Ohio Revised Code, may contract for public defender services for the legal representation of indigent persons; and

WHEREAS, the City of Sylvania desires public defender services for every Monday 8:30 a.m. to 12:30 p.m. with one staff or contract attorney plus intern support, and Wednesday 8:30 a.m. to 4:30 p.m. with one staff attorney, one contract attorney, and intern support.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. That this contract will be in effect from January 1, 2021 to December 31, 2021.
2. The City of Sylvania will pay "the County" Twelve Thousand One Hundred and 50/100 Dollars (\$12,150.00) for 2021. The City of Sylvania shall deposit with Lucas County the annual contracted amount in February, 2021 to cover the necessary expenses and cost of counsel to represent indigent persons charged with a violation of municipal ordinances of the City of Sylvania, for which the penalty or possible adjudication includes the potential loss of liberty. This legal representation could include providing representation to indigent persons charged with traffic offenses arising out of a violation of the municipal ordinances of the City of Sylvania, other than minor misdemeanors, for which the penalty or any possible adjudication includes the potential loss of liberty. Representation commenced under this section shall continue through all trial court proceedings and probation violation hearings.
3. No provisions of this contract prohibit the public defenders from withdrawing from a case due to a conflict of interest recognized by a court due to a finding of the client's financial ineligibility for services, or due to the attorney's excessive workload as determined pursuant to rule 120-1-07 of the Administrative Code. No provisions of this contract prohibit the public defenders from withdrawing from a case due to other conflicts of interest that may arise. It is anticipated that a conflict of interest for an individual public defender does not necessarily mean that representation cannot continue through a different public defender. The reassignment of a case to a different public defender shall not be considered a new appointment for the purposes of identifying the number of cases referred. In the event

CITY OF SYLVANIA, OHIO

**LUCAS COUNTY PUBLIC DEFENDER
COMMISSION**

By: _____
Mayor

Jeffrey J. Madrzykowski, Chairman
On behalf of the entire Lucas County
County Public Defender Commission

By: _____
Director of Finance

By: _____
Director of Law

**APPROVED BY THE BOARD OF
COUNTY COMMISSIONERS,
LUCAS COUNTY, OHIO**
Resolution Number _____

Adopted _____

APPROVED AS TO FORM
Julia R. Bates, Prosecuting Attorney

By: _____
Assistant Prosecuting Attorney

Date: _____



12

OFFICE OF THE MAYOR
CRAIG A. STOUGH, MAYOR

October 1, 2020

TO THE MEMBERS OF SYLVANIA CITY COUNCIL:

RE: Appointment to the Toledo-Lucas County Board of Health

Dear Council Members:

Mrs. Barbara Conover has resigned as the City's representative to the Toledo-Lucas County Board of Health.

Dr. Richard L. Munk has expressed his interest in serving as the City's representative to the Toledo-Lucas County Board of Health. Dr. Munk is a Sylvania resident and is currently an Associate Clinical Professor of Orthopaedic Surgery at the University of Toledo Medical College and a Clinical Instructor of Orthopaedic Surgery at the Ohio University School of Osteopathic Medicine. Dr. Munk also serves on the ProMedica Russel J. Ebeid Children's Hospital Board of Governors and is a Member of the Medical Executive Committee ProMedica Metro Hospitals as the American Medical Association/Ohio State Medical Association liaison.

Therefore, I am pleased to announce the appointment of Dr. Richard L. Munk to the Toledo-Lucas County Board of Health and request that you confirm this appointment.

Respectfully submitted,

Craig A. Stough
Mayor

CAS/lb



A

DIVISION OF TAXATION
CHRISTY M. ORDORICA, COMMISSIONER OF TAXATION

October 1, 2020

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

		Deposits		Refunds		Balance
September 30, 2020	\$	853,062.46	\$	14,048.40	\$	839,014.06
September 30, 2019	\$	1,080,324.33	\$	7,417.09	\$	1,072,907.24
Monthly Difference	\$	(227,261.87)	\$	6,631.31	\$	(233,893.18)
Year to Date 2020	\$	8,538,274.76	\$	253,999.24	\$	8,284,275.52
Year to Date 2019	\$	8,963,218.29	\$	240,778.16	\$	8,722,440.13
Yearly Difference	\$	(424,943.53)	\$	13,221.08	\$	(438,164.61)
						-5.02%

Respectfully submitted,

Christy M. Ordorica
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director