

Sylvania City Council

December 5, 2022

7:30 p.m. Council Meeting

Agenda

1. Roll call: Mr. Frye, Mr. Hansen, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Frye.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from November 21, 2022.
5. Presentation of Proclamations to All Ohio 1st Team Soccer Southview students Carys Bourbeau and Tyler Pawlicki.
6. Monroe & Silica Improvement Project and Silica Drive Bridge Replacement Project.
 - a. Service Director's report on Letters of Interest for Construction Management Services.
 - 6a1. Authorization to begin Letters of Interest solicitation.
 - b. Service Director's report Contract for Engineering Support during construction.
 - 6b1. Proposed Ordinance No. 104-2022, Accepting the proposal of Tetra Tech to provide engineering services.
 - c. Service Director's report on Right-of-Way Acquisition (Parcel 32-T) Emro Marketing Company.
 - 6c1. Proposed Ordinance No. 105-2022, Accepting a temporary construction easement from Emro Marketing Company, n/k/a Speedway LLC.
 - d. Service Director's report on Right-of-Way Acquisition Services Supplemental Proposal with West Erie Realty Solutions, Ltd.
 - 6d1. Proposed Ordinance No. 106, Accepting the amendment to the proposal of West Erie Realty Solutions, Ltd. for right-of-way acquisition services.
 - e. Service Director's report on Right-of-Way Acquisition (Parcel 23-T) from Pennsylvania Lines, LLC, n/k/a Norfolk Southern Railway Company.
 - 6e1. Proposed Ordinance No. 107-2022, Accepting a temporary construction easement from Pennsylvania Lines, LLC, n/k/a Norfolk Southern Railway Company.
7. Committee reports.
8. Committee referrals.

Minutes of the Meeting of Council
November 21, 2022

The Council of the City of Sylvania, Ohio met in regular session on November 21, 2022 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Mark Frye, Marcus Hansen, 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 Mrs. Westphal.

Pledge of
Allegiance.

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

The following items has been added to the agenda:

5a. Proposed Ordinance No. 103-2022

5b. Proposed Resolution No. 19-2022.

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

Agenda approval.

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

Mr. Frye presented the November 7, 2022 meeting minutes. Mr. Frye moved, Mrs. Westphal 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 corrected minutes at this time, and the journal of the minutes of the regular meeting of November 7, 2022 be approved; roll call vote being: Hansen, Haynam, McCann, Richardson, Stough, Westphal, Frye; (7) yeas; (0) nays. The motion carried.

Approval of the
7, 2022 meeting
minutes.

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

Mr. Frye reported on the Public Hearing for the Tax Increment Finance held at 7:00 p.m. on this date. Mr. Frye stated Mr. Grisdale from Reveille provided information on the details of the TIF. It was confirmed that only commercial properties are affected by the TIF.

Report of P.H. on
Tax Increment
Financing.

Mr. Frye moved, Mrs. Westphal seconded to allow Ms. Stough to push back from the table due to being a property owner in the proposed TIF area. Roll call vote being: Hansen, Haynam, McCann, Richardson, Stough, Westphal, Frye; (7) yeas; (0) nays. The motion carried.

Ms. Stough
pushed back
from table.

Minutes of the Meeting of Council
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Mr. Frye presented and read aloud by title only, proposed Ordinance No. 103 -2022, a written copy of same having been previously furnished to each member of Council “Declaring the improvement of certain parcels of Real Property to be a public purpose and exempt from taxation and providing for the collection and deposit of service payments into the Tax Increment Equivalent Funds, and specifying the public infrastructure improvements directly benefiting the parcels; and declaring an emergency.”; Mr. Frye moved, Mr. Haynam seconded for passage of Ordinance No. 103-2022 as an emergency measure; roll call vote being: McCann Richardson, Westphal, Frye, Hansen, Haynam; (6) yeas; (0) nays. The motion carried.

Ordinance No.
103-2022,
Declaring
improvement...
Tax Increment
Equivalent
Funds...”

Mr. Frye presented and read aloud by title only, proposed Resolution No. 19-2022, a written copy of same having been previously furnished to each member of Council “Directing the Housing Officer of Community Reinvestment Area Number 8 not to accept any new applications for exemptions as described in Ohio Revised Code Section 3735.67; and declaring an emergency.”; Mr. Frye moved, Mr. McCann seconded for passage of Resolution No. 19-2022 as an emergency measure; roll call vote being: Richardson, Westphal, Frye, Hansen, Haynam, McCann; (6) yeas; (0) nays. The motion carried.

Resolution No.
19-2022,
Directing
Housing Officer
of CRA#8..not to
accept any new
apps....”

Ms. Stough returned to the table.

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

The 2023 Budget was presented for the Second Reading. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 93-2022, “To Make Appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2023, and declaring an emergency”; Mr. Frye moved, Ms. Stough seconded for passage of Ordinance No. 93-2022 as an emergency measure; roll call vote being: Haynam, McCann Richardson, Stough, Westphal, Frye, Hansen; (7) yeas; (0) nays. The motion carried.

Ordinance No.
93-2022,
“...2023
Budget....”

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

Minutes of the Meeting of Council
November 21, 2022

Service Director's report on the School Zone Flasher Replacements Project was placed of file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 98 -2022, a written copy of same having been previously furnished to each member of Council "Accepting the bid of FET Construction Services, LLC and awarding the Contract for the School Zone Flasher Replacement Project to same; authorizing the expenditure for the Improvements in the amount of \$125,834; appropriating funds therefore; and declaring an emergency."; Mr. Richardson moved, Mrs. Westphal seconded for passage of Ordinance No. 98-2022 as an emergency measure; roll call vote being: McCann Richardson, Stough, Westphal, Frye, Hansen, Haynam; (7) yeas; (0) nays. The motion carried.

Ordinance No. 98-2022, "Accepting the bid of FET Construction...S chool Zone Flasher Replacement Project...."

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

Service Director's report on the Large Diameter Sanitary Sewer Lining Project (Phase 2) was placed on file. Mr. McCann presented and read aloud by title only, proposed Ordinance No. 99-2022, 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. 2 (Final) to this City's Agreement with Granite Inliner, LLC for the Large Diameter Sanitary Sewer Lining Project (Phase 2) Project to reflect the final installed quantities; decreasing the Contract amount by \$145.00; and declaring an emergency."; Mr. McCann moved, Ms. Stough seconded for passage of Ordinance No. 99-2022 as an emergency measure; roll call vote being: Richardson, Stough, Westphal, Frye, Hansen, Haynam, McCann; (7) yeas; (0) nays. The motion carried.

Ordinance No. 99-2022, "Authorizing CO#2 (Final) to Large Diameter Sewer Project..."

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

Service Director's report on the Plummer Pool Bathhouse Alterations was placed on file. Ms. Stough presented and read aloud by title only, proposed Ordinance No. 100-2022, a written copy of same having been previously furnished to each member of Council "Accepting the proposal of Architecture by Design, Ltd. to provide Architectural Design Services for the Plummer Pool Bathhouse Alterations Project; appropriating funds therefore in the amount of \$20,000; and declaring an emergency."; Ms. Stough moved, Mr. McCann seconded for passage of Ordinance No. 100-2022 as an emergency measure; roll call vote being: Stough, Westphal, Frye, Hansen, Haynam, McCann, Richardson; (7) yeas; (0) nays. The motion carried.

Ordinance No. 100-2022, "Accepting proposal...Arch. Design Svcs ...Plummer Pool Bathhouse Alternations...."

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

Minutes of the Meeting of Council
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Service Director's report on the Altara Drive Improvements Project was placed on file. Mr. Richardson moved, Mrs. Westphal seconded to authorize the Clerk of Council to advertise for bids for the Altara Drive Improvements Project. Roll call vote being: Westphal, Frye, Hansen, Haynam, McCann, Richardson, Stough; (7) yeas; (0) nays. The motion carried.

Authorize to advertise for bids...Altara Drive Improvements Project.

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

Service Director's report on the Monroe & Harroun Improvements Project was placed on file. Mr. Richardson moved, Mr. Haynam seconded to authorize the Clerk of Council to re-advertise for bids for the Monroe & Harroun Improvements Project. Roll call vote being: Frye, Hansen, Haynam, McCann, Richardson, Stough, Westphal; (7) yeas; (0) nays. The motion carried.

Authorize to re-advertise for bids...Monroe & Harroun Improvements Project.

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

Mr. Frye moved to have proposed Ordinance No. 101-2022 "Amending the Codified Ordinances of the City of Sylvania, 1979, as amended by amending Section 177.22-Information on Rental or Leased Property; and declaring an emergency." and referred to the Finance Committee; Ms. Stough seconded; roll call vote being: Hansen, Haynam, McCann, Richardson, Stough, Westphal, Frye; (7) yeas; (0) nays. The motion carried. This will be scheduled at first meeting in January.

Ordinance No. 101-22, to be referred to Finance Committee.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 102-2022, a written copy of same having been previously furnished to each member of Council "Authorizing the Mayor and Director of Finance to enter into an agreement with Zambelli Fireworks Manufacturing Co., and declaring an emergency."; Mr. Frye moved, Mr. Hansen seconded for passage of Ordinance No. 102-2022 as an emergency measure; roll call vote being: McCann, Richardson, Stough, Westphal, Frye, Hansen, Haynam; (7) yeas; (0) nays. The motion carried.

Ordinance No. 102-2022, Authorizing to enter into an agreement with Zambelli Fireworks...."

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

Mrs. Westphal stated no one has submitted an application for the Council appointed SAJRD position that has a deadline of November 29, 2022. She encouraged anyone interested to apply; interviews are December 6 at 5:30 p.m.

SAJRD
Appointment
information.

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mrs. Westphal seconded to adjourn at 8:06 p.m. Roll call vote being: Richardson, Stough, Westphal, Frye, Hansen, Haynam, McCann; (7) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor

P Proclamation

Whereas: Carys Bourbeau has earned the OHSAA All Ohio 1st Team, All District 1st Team and Northern Lakes League 1st Team playing soccer her Senior year at Southview High School; and

WHEREAS: she is a four-year varsity soccer player and two-year team captain, she also is in her fourth season playing varsity basketball and softball; and

WHEREAS: during her time at Southview she has also earned All District Honorable Mention and NLL 2nd Team her Sophomore year, and All District 2nd Team and NLL 2nd Team her Junior year culminating her amazing career stats to 34 goals and 38 assists; and

WHEREAS: Carys has been a very active member of Southview High School being a member of Core Committed, two-year participant of Dance for a Chance and a two-year member of The National Honor Society.

NOW, THEREFORE, I, Craig A. Stough, Mayor, do hereby proclaim Tuesday, December 6, 2022 as:

CARYS BOURBEAU DAY

in the City of Sylvania.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Sylvania to be set this 2nd day of December, 2022.



Craig A. Stough, Mayor
City of Sylvania, State of Ohio

P Proclamation

Whereas: Tyler Pawlicki has earned the OHSAA All Ohio 1st Team, All District 1st Team and Northern Lakes League 1st Team playing soccer his Senior year at Southview High School; and

WHEREAS: he has played soccer all fours years at Southview, three years varsity, serves as a team captain, and was a team captain his freshman year for Junior Varsity; and

WHEREAS: during his time at Southview he has also earned All District Honorable Mention and NLL 3rd Team his Sophomore year, and All District 1st Team and NLL 1st Team his Junior year culminating his outstanding career stats to 59 goals and 68 assists; and

WHEREAS: Tyler has been an active member of Southview High School being a two-year member of The National Honor Society, Financial Analyst Team member and a two-year member of Business Professionals of America.

NOW, THEREFORE, I, Craig A. Stough, Mayor, do hereby proclaim Monday, December 5, 2022 as:

TYLER PAWLICKI DAY

in the City of Sylvania.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Sylvania to be set this 2nd day of December, 2022.



Craig A. Stough, Mayor
City of Sylvania, State of Ohio

lea.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

December 5, 2022

To: The Mayor and Members of Sylvania City Council

Re: **Letters of Interest (LOI) for Construction Management Services**
LUC-Monroe St & Silica Dr Upgrd and LUC-Silica Drive Bridge Replacement
PID 107489

Dear Mr. Mayor and Council Members:

The construction plans and specifications for the above referenced project are complete and the Service Department is anticipating receiving Federal authorization to proceed ahead with the advertising and bidding phase of the project this month.

The Service Department would like to request Letters of Interest from construction engineering consultants. Specifically, the City will need to have a firm and Construction Project Engineer (CPE) secured that is ODOT pre-qualified for Construction Administration, Inspection, and Materials Management services.

City staff members will review the Letters of Interest and select the most qualified consultant. Once the most highly qualified consultant is selected the City will enter into scope of services and fee negotiations. It is our goal to have the construction engineering contract ready for City Council approval in February 2023.

We would request authorization to begin the Letter of Interest solicitation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin G. Aller".

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

ub.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

December 5, 2022

To: The Mayor and Members of Sylvania City Council

Re: **Contract for Engineering Support During Construction
LUC-Monroe St & Silica Dr Upgrd (Part I – PID 107489)**

Dear Mr. Mayor and Council Members:

On May 6, 2019 City Council authorized the Service Department to enter into an agreement with Tetra Tech to provide engineering services for LUC-Monroe St & Silica Dr Upgrd (Part I – PID 107489) project (Ord. 38-2019). This project is improving the intersection of Monroe Street & Silica Drive and widening Monroe Street to two eastbound through lanes between Silica Drive and Main Street. Construction plans were completed in November 2022. The cost of the contract was \$335,973. This contract was modified on October 4, 2021 (Ord. 67-2021) with an increase of \$63,765 because of additional retaining wall design.

With design engineering complete the Service Department requested a proposal from Tetra Tech to provide engineering support during construction. The anticipated services to be rendered by Tetra Tech during construction consist of bidding assistance, responses to contractor's request for information, shop drawing review, and the preparation of record drawings once the project is complete. The engineering support proposal received from Tetra Tech is in the amount of \$17,101.

This was an anticipated cost and funds are available in the 2022 capital improvement budget for this project from account number 401-7610-53503. We would recommend approval of the proposal from Tetra Tech in the amount of \$17,101. Please call if you should have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin G. Aller".

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



November 15, 2022

Joseph Shaw, P.E., P.S.
Deputy Director of Public Service
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

Re: LUC-Monroe Street/Silica Drive PID 107489 – Bidding and Construction Phase Services

Dear Mr. Shaw:

We are pleased to submit this proposal to support the City during bidding and construction as noted below:

BIDDING ASSISTANCE

- Assist the City during bidding by preparing updated drawings to be used in the addenda

CONSTRUCTION PHASE SUPPORT

- Assist City with RFIs during construction. We have assumed up to 40 hours in our proposal for this effort.
- Assist the City with reviewing shop drawing submittals
- Prepare record drawings from City's inspector markups

SCHEDULE

This work will occur through the end of 2022 and over the 2023 construction season.

ASSUMPTIONS

- The City will prepare official addenda, review bids, create the bid tabs, and recommend the award.
- Tetra Tech is not requested to attend the pre-construction and progress meetings.



TETRA TECH

COMPENSATION

Compensation for our personnel directly engaged in the work of this proposal will be based on standard hourly rates plus in-house reimbursable expenses. We have estimated a budget of \$17,101 for this effort. If Tt anticipates that additional effort is required during this project, Tt will submit a written request to the City of Sylvania for authorization prior to completing any additional work. If you concur with our proposal, please sign in the space provided below and return one original signed copy of this proposal to indicate your authorization to proceed. The agreement for this project is comprised of this proposal and the attached Tt Standard Terms and Conditions (Tt ST&C).

Thank you again for giving us this opportunity to serve the City of Sylvania!

Sincerely,

Andrew J. Langenderfer, P.E.
Senior Project Manager

Attachments: Price Proposal Form
Tetra Tech Standard Terms and Conditions

C: Mr. Kevin Aller, P.E. – Director of Public Service for the City of Sylvania

PROPOSAL ACCEPTED BY (Mr. Craig A. Stough) _____
TITLE: Mayor **DATE** _____

PROPOSAL ACCEPTED BY (Mr. Toby Schroyer) _____
TITLE: Finance Director/Treasurer **DATE** _____

651.

ORDINANCE NO. 104 -2022

ACCEPTING THE PROPOSAL OF TETRA TECH TO PROVIDE ENGINEERING SERVICES FOR THE MONROE & SILICA INTERSECTION IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$17,101; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 38-2019, passed May 6, 2019, authorized the Mayor and Director of Finance to enter into an Agreement with Tetra Tech to provide engineering services for the Monroe & Silica Intersection Improvement Project; and,

WHEREAS, the project is improving the intersection of Monroe Street & Silica Drive and widening Monroe Street to two eastbound through lanes between Silica Drive and Main Street; and,

WHEREAS, the design engineering is now complete and the Director of Public Service, by report dated December 5, 2022, has requested a proposal from Tetra Tech to provide engineering support during construction; and,

WHEREAS, the proposal includes bidding assistance, response to contractors' requests for information, shop drawing review and preparation of record drawings upon project completion; and,

WHEREAS, the Director of Public Service, in a report dated December 5, 2022, has recommended that the proposal of Tetra Tech to provide engineering services during construction at a cost of Seventeen Thousand One Hundred One Dollars (\$17,101.00), be accepted.

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 Tetra Tech in the amount of Seventeen Thousand One Hundred One Dollars (\$17,101.00) for providing engineering support services during construction for the Monroe Street & Silica Drive Intersection Improvement Project, is hereby 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. 401-7610-53503, Street Improvements** the amount of Seventeen Thousand One Hundred One Dollars (\$17,101.00).

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 City should provide for engineering support services during the Monroe & Silica Intersection Improvement Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2022, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

LC.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

December 5, 2022

To: The Mayor and Members of Sylvania City Council

Re: **Right-of-Way Acquisition (32-T)**
LUC-Monroe & Silica (PID 107489) & LUC-Silica Drive Bridge Replacement (PID 111563)

Dear Mr. Mayor and Council Members:

On October 17th the Service Department requested Council authorization (Ord. 93-2022) for permission to file a Petition for Appropriation for Parcel 32 (Emro Marketing Company). This parcel is located at 6605 Monroe Street and is the Speedway Gas Station at the southwest corner of Monroe Street and Main Street. The Service Department needed a temporary construction easement to replace the Monroe Street driveway approach, install new sidewalk, and for grading purposes. Discussions with the property owner had been limited and the Service Department needed to certify control of the right-of-way by November 15th.

Since the Council meeting the Service Department was able to obtain a Right of Entry Agreement on November 10th which allowed the certification of right-of-way to move forward ahead of the deadline. In addition, the Service Department and owner agreed on the temporary construction easement request in the amount of \$4,200 on November 28th. As a result, the need to file a Petition to Appropriate is no longer required. Further discussions are ongoing to remove the monument sign encroachment from the existing right-of-way and will be brought to the appropriate Board of Architectural Review meeting for their consideration.

We would request approval of the temporary construction easement in the amount of \$4,200 with Emro Marketing Company, a Delaware Corporation, now known as Speedway LLC. Procurement of this easement was a known project expense and was included in the 2022 capital improvement budget. Funds are available from account number 401-7610-53503. Please call with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin G. Aller".

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

TEMPORARY EASEMENT

Emro Marketing Company, a Delaware Corporation, nka Speedway LLC, the Grantor(s), in consideration of the sum of \$4,200.00, to be paid by City of Sylvania, the Grantee do grant to Grantee the temporary easement(s) to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 032-T
LUC-Monroe St. & Silica Bridge

SEE EXHIBIT A ATTACHED

Lucas County Current Tax Parcel No. 82-10187
Prior Instrument Reference: 89 109 B10, Lucas County Recorder's Office.

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

The duration of the temporary easement(s) granted to the Grantee is 24 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement(s) interest granted is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

It is further understood and agreed that Grantee and/or its contractor shall provide Grantor with no less than 48 hours' prior notice when the access point on Monroe Street is to be completely closed off. The closing of such access point will prevent Grantor's fuel transport from entering the site, and in being provided with such advance notice, Grantor can coordinate its fuel delivery accordingly. Grantee shall completely close such access point for a period not to exceed 24 hours. In constructing such access points, Grantee and/or its contractors shall use QC-MS concrete, which will allow such access points to be re-opened in 24 hours. In addition, when Grantee or its contractors partially close off any access point within the easement area, such access points will remain at least 15 feet wide at all such times.

IN WITNESS WHEREOF Emro Marketing Company, A Delaware Corporation, nka Speedway LLC, has caused its name to be subscribed by Richard Ingram, its duly authorized Attorney-in-Fact, and its duly authorized agent on the 28th day of November, 2022.

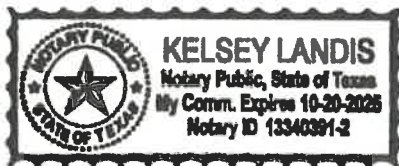
EMRO MARKETING COMPANY, A
DELAWARE CORPORATION, NKA
SPEEDWAY LLC,

By: 
Richard Ingram
Title: Attorney-in-Fact

STATE OF Texas, COUNTY OF Dallas SS:

BE IT REMEMBERED, that on the 28th day of November, 2022, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Richard Ingram, who acknowledged being the Attorney-in-Fact and duly authorized agent of Emro Marketing Company, A Delaware Corporation, Nka Speedway LLC, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity. No oath or affirmation was administered to Richard Ingram with regard to the notarial act.

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




Kelsey Landis
NOTARY PUBLIC
My Commission expires: 10-20-2025

This document was prepared by: the City of Sylvania Law Director in the name of and use for the City of Sylvania, Ohio.

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 02/10/22

PID 107489

**PARCEL 32-T
LUC-MONROE ST
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT A DRIVE, WALK AND GRADING
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
CITY OF SYLVANIA, LUCAS COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, City of Sylvania, being part of the Northwest Quarter of Section 10, Town 9 South, Range 6 East, and Part of Lot 6 of Block 30 of the original plat of Sylvania, a subdivision of record in Plat Volume B-2, Page 103, out of a parcel of land conveyed to Emro Marketing Company by deed of record in Microfiche Slide 89-109-B10, and being on the right side of the centerline of right of way of Monroe Street as shown on a centerline survey plat made in September 2021, for the City of Sylvania titled "LUC-MONROE ST (PART 1 – PID 107489 & LUC-SILICA BRIDGE (PART 2 – PID 111563))" and bounded and described as follows:

Beginning at Northerly corner common to said Lot 6 and Lot 7 of said plat of Sylvania, being on the Southerly existing right of way line of Monroe Street, as shown on right of way plans made for the State of Ohio Department of Transportation titled "LUC-MONROE ST, PID 107489", (Station 542+74.14, 37.13 feet right Monroe Street);

1. Thence North 88 Degrees 31 Minutes 41 Seconds East a distance of 100.86 feet with said Southerly existing right of way line and Northerly line of said Lot 6 to a point (Station 543+75.00, 37.13 feet right Monroe Street);
2. Thence South 21 Degrees 21 Minutes 43 Seconds West a distance of 12.88 feet to a point (Station 543+70.00, 49.00 feet right Monroe Street);
3. Thence South 88 Degrees 31 Minutes 41 Seconds West a distance of 60.00 feet parallel with and 49.00 feet Southerly of the centerline of right of way of Monroe Street to a point (Station 543+10.00, 49.00 feet right Monroe Street);
4. Thence North 01 Degrees 28 Minutes 19 Seconds West a distance of 7.00 feet perpendicular to said centerline of right of way to a point (Station 543+10.00, 42.00 feet right Monroe Street);

EXHIBIT A

LPA RX 887 T

Rev. 07/09

5. Thence South 88 Degrees 31 Minutes 41 Seconds West a distance of 35.90 feet parallel with and 42.00 feet Southerly of said centerline of right of way, to a point on the line common to said Lots 6 and 7 (Station 542+74.10, 42.00 feet right Monroe Street);
6. Thence North 01 Degrees 00 Minutes 47 Seconds West a distance of 4.88 feet with said common line, to the *Point of Beginning*.


The above described parcel contains 0.021 acres of land, more or less, of which the present road occupies 0.000 acres leaving a net take of 0.021 acres, more or less, contained within Lucas County Auditor's Permanent Parcel Number 82-10187.

The bearings in this description are for project use only and are based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). Said coordinates originated from GPS observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The portion of the centerline of Monroe Street having a bearing of North 88 Degrees 31 Minutes 41 Seconds East is designated the Basis of Bearing for this description.

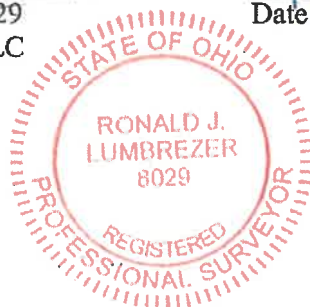
All references to records are to the Lucas County Recorder's Office located in the City of Toledo, Ohio.

Points referred to as set are 3/4 inch diameter x 30 inch long re-bars with a 1 inch diameter aluminum cap marked "DGL PS #8029".

The above description is based on a land survey performed in July of 2019, by DGL Consulting Engineers and was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.


Ronald J. Lumbrezer, P.S. #8029
DGL Consulting Engineers, LLC
3455 Briarfield Blvd - Suite E
Maumee, Ohio 43537
32-T

Date: 2/11/22



601.

ORDINANCE NO. 105-2022

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM EMRO MARKETING COMPANY, n/k/a SPEEDWAY LLC FOR THE MONROE & SILICA IMPROVEMENT PROJECT AND SILICA DRIVE BRIDGE REPLACEMENT PROJECT; DEDICATING THE SAME FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$4,200.00; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Monroe & Silica Improvement Project and Silica Drive Replacement Project in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the projects include roadway widening and intersection improvements and the bridge replacement and in order to accomplish these improvements, the City needs to acquire a temporary easement from Emro Marketing Company, n/k/a Speedway LLC; and,

WHEREAS, Emro Marketing Company, n/k/a Speedway LLC is entitled to receive payment of just compensation representing the fair market value of the property after an appraisal of those rights and they have executed and delivered a Temporary Easement to this City for which they will be paid the sum of Four Thousand Two Hundred Dollars (\$4,200.00), a copy of which 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 so executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Emro Marketing Company, n/k/a Speedway 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 expressed in said temporary easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded temporary easement 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 **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore appropriated, to **Account No. 401-7610-53503, Street Improvements**, the sum of Four Thousand Two Hundred Dollars (\$4,200.00).

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 should proceed as soon as possible and accordingly the acquisition of the necessary right-of-way 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2022, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

led.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

December 5, 2022

To: The Mayor and Members of Sylvania City Council

Re: **Right-of-Way Acquisition Services Supplemental Proposal
LUC-Monroe & Silica (PID 107489) & LUC-Silica Drive Bridge Replacement (PID 111563)**

Dear Mr. Mayor and Council Members:

On January 3, 2022 City Council authorized a contract with West Erie Realty Solutions, Ltd. (Ord. 3-2022) to provide right-of-way acquisition services on the LUC-Monroe St & Silica Dr Upgrd (PID 107489) and LUC-Silica Drive Bridge Replacement (PID 111563) projects.

West Erie's proposal made assumptions based on a review of the Preliminary R/W plans including the estimated number of parcels to acquire with respect to project management, title reports, appraisals, negotiations, closings, document recordings, and mortgage releases. Their approved contact amount was \$95,250.

Now that the right-of-way acquisition phase is nearing completion, the actual number of parcels acquired has been determined and an adjustment to their contract amount is necessary. Enclosed is a supplemental proposal in the amount of \$10,100 including a breakdown of the estimated and actual services rendered in each individual category of work. We would request the supplemental proposal be funded from the same capital improvement account number 401-7610-53503.

We would recommend approval of the supplemental proposal with West Erie Realty Solutions, Ltd. in the amount of \$10,100. Please call with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin G. Aller".

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

PROPOSAL & AGREEMENT



ROW Acquisition Services / LUC-Monroe Street & LUC-Silica Bridge

	Estimated	Actual/ Adjusted
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">19 Actual</p> 1. Project Management - 15 parcels @ \$800.00 per parcel..... \$12,000.00 The project management fee is inclusive of meeting attendance with the various project partners, clerical support, the preparation of status reports and travel as may be necessary to assure timely coordination and completion of tasks involved in the acquirement of rights of way. Note: All right of way interests will be acquired in conformance to the policy and procedures as promulgated by the Ohio Department of Transportation. The project management fee is collected in 4 stages at 25% increments. The 1 of 4 = 25% fee will be invoiced after the completion of title reports and appraisals for any given parcel. The 2 of 4 = 25% fee will be invoiced after the offer is made. The 3 of 4 = 25% fee will be invoiced after the signed parcel has been billed or submitted for appropriation. The 4 of 4 = 25% fee will be invoiced after the parcel file has been scanned, standardized and submitted to the client for review and archiving.	\$15,200 +\$3,200	\$15,200 +\$3,200
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">18 Actual</p> 2. Title Reports – 15 Reports @ \$800.00 per parcel..... \$12,000.00 The Title Report fees shown are exclusive of those charged for courthouse copies that may need to be purchased in support of individual title reports. These non-salary direct costs will be reimbursed by the (Client) to the consultant West Erie Realty Solutions, Ltd. (WE) at their actual cost as evidenced by receipts from the respective county office.	\$14,400 +\$2,400	\$14,400 +\$2,400
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">1 Actual</p> 3. RE95/RE56 Forms – 5 Parcels @ \$350.00 per parcel \$1,750.00 This phase is a pass-thru expense and will only be invoiced if the actual work is necessary and completed by WE for the project.	\$350 -\$1,400	\$350 -\$1,400
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">19 Actual</p> 4. Appraisals (SEE ATTACHMENT) \$21,750.00 (Martin & Wood Appraisal Group, Ltd.) These appraisal fees are based upon the appraiser's best estimate in the type of report required for any one parcel utilizing the plans provided by the client. Please keep in mind that the format of appraisal report for any one parcel is subject to revision based on plan changes that may be made to a parcel.	\$21,250 -\$500	\$21,250 -\$500
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">19 Actual</p> 5. Negotiations - 15 Parcels @ \$2,000.00 per parcel \$30,000.00 A "parcel" is defined as a single ownership assigned to a parent number regardless of the number of takings required from that ownership. For example, parcel 1-WD & T is considered to be a single parcel. The offer packet will include the following items: Notice of Intent to Acquire and Good Faith Offer, Colored Plan Exhibits, Warranty Deed, Easement, Instruments, Legal Description and W9 Form. Parcels added or deleted during the course of this agreement shall be cause for adjustment to this cost proposal for all associated work phases under the responsibility of West Erie Realty Solutions, Ltd.	\$38,000 +\$8,000	\$38,000 +\$8,000
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">17 Actual</p> 6. Closings – 15 Formal @ \$800.00 per parcel \$12,000.00 The total closings phase includes the updating of the title report and recording of the easement(s) or warranty deed(s) on a per parcel basis exclusive of the recording fee itself.	\$13,600 +\$1,600	\$13,600 +\$1,600
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">17 Actual</p> 7. Recording Fees – 15 @ \$150.00 per parcel \$2,250.00 The recording of the easement(s) or warranty deed(s) on a per parcel basis and will be invoiced as a pass-thru expense with attached receipts.	\$2,550 +\$300	\$2,550 +\$300
<p style="text-align: center; border: 1px solid black; display: inline-block; padding: 2px;">0 Actual</p> 8. Mortgage Releases – 10 @ \$350.00 per parcel \$3,500.00 At the time of this proposal, it is unknown whether any partial mortgage releases will be required. ODOT P&P requires them when FMVE is greater than \$25,000. As a worst case scenario, WE is assuming 10 mortgage releases will be needed for this project. WE will only invoice for any releases that need to be obtained.	\$0 -\$3,500	\$0 -\$3,500
Total Cost Proposal \$95,250.00 Adjusted Contract Amount..... \$10,100.00	\$105,350 +\$10,100	\$105,350 +\$10,100

Respectfully Submitted By:
 West Erie Realty Solutions, Ltd.
 323 Lafayette Street
 Toledo, Ohio 43604

Greg R. Vriezelaar
 President

Date: November 28, 2022

Total Cost Proposal\$95,250.00
Adjusted Contract Amount.....\$10,100.00
 Proposal Accepted By:
 City of Sylvania

Name: _____ Date: _____

Name: _____ Date: _____

ledl.

ORDINANCE NO. 106-2022

ACCEPTING THE AMENDMENT TO THE PROPOSAL OF WEST ERIE REALTY SOLUTIONS, LTD. FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE MONROE & SILICA AND SILICA DRIVE REPLACEMENT PROJECTS; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$10,100; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 3-2022, passed by Sylvania City Council on January 3, 2022, authorized the Mayor and Director of Finance to enter into an Agreement with West Erie Realty Solutions, Ltd. (“West Erie”) to provide right-of-way acquisition services for the Monroe & Silica and Silica Drive Replacement Projects; and,

WHEREAS, West Erie’s proposal included project management, title reports, appraisals, negotiations, closings, and document recordings, with fees for each service being charged per parcel; and,

WHEREAS, West Erie’s original proposal was based on preliminary plans and included 15 parcels, however, once title work was complete, it was discovered that there were actually 19 parcels; and,

WHEREAS, the Director of Public Service, by report dated December 5, 2022, has recommended acceptance of the amended proposal of West Erie Realty Solutions, Ltd. to reflect the actual number of parcels acquired in the amount of Ten Thousand One Hundred Dollars (\$10,100.00), for a total contract amount of \$105,350.

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

SECTION 1. That the amendment to the proposal of West Erie Solutions, Ltd. in the amount of Ten Thousand One Hundred Dollars (\$10,100.00) to reflect the actual number of parcels involved in the right-of-way acquisition, is hereby approved and accepted.

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

SECTION 3. That to provide funds for said services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7310-53503, Street Improvements** an amount not to exceed Ten Thousand One Hundred Dollars (\$10,100.00).

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 right-of-way acquisition for the Monroe & Silica and Silica Drive Bridge Replacement Projects should be finalized 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2022, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

lee.



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

December 5, 2022

To: The Mayor and Members of Sylvania City Council

Re: **Right-of-Way Acquisition (23-T)**
LUC-Monroe & Silica (PID 107489) & LUC-Silica Drive Bridge Replacement (PID 111563)

Dear Mr. Mayor and Council Members:

The construction plans for both the roadway widening and intersection improvements project (PID 107489) and bridge replacement project (PID 111563) have reached the Plans, Specifications, and Estimate (PS&E) level of plan development. The final right-of-way plans have been submitted and the City was authorized to begin the right-of-way acquisition phase of the project on February 18, 2022. As a reminder, construction is scheduled to begin in March 2023.

In order to accommodate the roadway improvements, the Service Department needs to obtain a temporary construction easement from the Pennsylvania Lines LLC, now known as the Norfolk Southern Railway Company (Ownership 23 in the Right-of-Way Plan on file with the Service Department). The easement allows the City the right to enter and complete the necessary scope of work over a 24-month period including utility installations, pavement, curbing, and sidewalk work.

The City has reached an agreement with the owner in consideration of \$6,530. Procurement of this easement was a known project expense and was included in the 2022 capital improvement budget. Funds are available and allocated from account number 401-7610-53503.

We would request the approval this temporary construction easement agreement with Pennsylvania Lines, LLC, now known as the Norfolk Southern Railway Company in the amount of \$6,530. Please call with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin G. Aller".

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

ODOT N-S RE-023TV
Rev. 01/2012

TE from Norfolk Southern Railway
City of Sylvania

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: on November 21st , 2022, Pennsylvania Lines LLC, nka NORFOLK SOUTHERN RAILWAY COMPANY, a Virginia corporation, the Grantor herein, in consideration of the sum of \$6,530.00, to be paid by the City of Sylvania, the Grantee herein, does hereby grant, to the maximum extent that Grantor's title permits, to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate ["Easement Area"]:

PARCEL(S): 023 -TV
LUC-Monroe St. & Silica Bridge

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Lucas County Current Tax Parcel No. 8299015; 8299007
Prior Instrument Reference: Microfiche 00 310 B09, Lucas County Recorder's Office.

To have and to hold said temporary easement, for construction purposes for the duration of TWENTY FOUR (24) MONTHS commencing on May 1, 2023 and ending April 30, 2025, unto Grantee, its successors and assigns. Subject, however, to: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable. Provided, however, the within grant is made without any warranties of title of any kind whatsoever.

Expressly excluded from the within grant are any and all rights of way for access, ingress or egress, whether by way of necessity, implication or otherwise, across, under or over adjoining properties of Grantor.

Notwithstanding any other provision of this instrument, Grantor hereby excepts and reserves unto itself the right to continue to occupy, possess and use the land upon which the within temporary easement(s) is/are imposed for any and all railroad purposes consistent with Grantor's operations and needs, and the right to construct, reconstruct, relocate, operate, maintain, repair, renew, replace and remove Grantor's tracks and other facilities as now exist or which may in the future be located in, upon, over, under or across the Easement Area(s). Grantor hereby further excepts and reserves unto itself, its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and/or lessees the right to install, construct, locate, maintain, repair and renew any fiber optic communications lines, associated structures and facilities related thereto across, under or over the Easement Area(s) and to maintain, repair, renew and operate the same as in the judgment of Grantor, its affiliates, subsidiaries, parent corporations, successors, assigns, licensees and/or lessees may be requisite. Provided, however, Grantor's exercise of the rights herein excepted and reserved shall not interfere with nor impair the rights herein granted to Grantee.

The property conveyed herein to Grantee is being acquired for one of the statutory purposes for which the City of Sylvania may acquire property under Title LV of the Revised Code, such as but not limited to those purposes enumerated in Sections 5501.31 and 5519.01 of the Revised Code.

IN WITNESS WHEREOF, the said Grantor, has caused these presents to be signed by its Real Estate Manager and its corporate seal attested by its Assistant Corporate Secretary, to be hereunto affixed the day and year first above written

NORFOLK SOUTHERN RAILWAY COMPANY
A Virginia corporation

By 
Solomon Jackson
Real Estate Manager

ATTEST

By: *Larry N Cannon*
Assistant Corporate Secretary

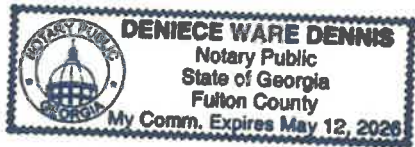
STATE OF GEORGIA

SS:

COUNTY OF FULTON

BE IT REMEMBERED, THAT on this 21st day of November, 2022, before me, the subscriber, a Notary Public in and for said state, personally came, Solomon Jackson, Real Estate Manager, and Larry N. Cannon, Assistant Corporate Secretary, of the Grantor in the foregoing Deed, and acknowledged the signing thereof to be their and its voluntary act and deed, pursuant to authority of its Board of Directors.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



Deniece Ware Dennis
Notary Public
My commission expires: May 12, 2026

This document was prepared on a form approved by the Attorney General of Ohio for use by the State of Ohio, Department of Transportation and City of Sylvania, and has been reviewed as to form and acceptability by Howard McFadden, Attorney at Law, Norfolk Southern Corporation, 1200 Peachtree Street, NE, Atlanta, Georgia 30309.

RETURN TO: West Erie Realty Solutions, Ltd.
323 Lafayette Street
Toledo, Ohio 43604

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 02/10/22

PID 107489

**PARCEL 23-T
LUC-MONROE ST
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
CONSTRUCT A WATERLINE, CURB ISLAND, WALKS AND GRADING
FOR 24 MONTHS FROM DATE OF ENTRY BY THE
CITY OF SYLVANIA, LUCAS COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, City of Sylvania, being part of the Northeast Quarter of Section 9, Town 9 South, Range 6 East, out of a parcel of land conveyed to Pennsylvania Lines LLC (Northfolk Southern Railroad) by deed of record in Microfiche Slide 00-301-B09, and being on the left and right side of the centerline of right of way of Monroe Street as shown on a centerline survey plat made in September 2021, for the City of Sylvania titled "LUC-MONROE ST (PART 1 – PID 107489 & LUC-SILICA BRIDGE (PART 2 – PID 111563))" and bounded and described as follows:

Beginning at the intersection of the centerline of right of way of Monroe Street with the Easterly line of said Pennsylvania Lines parcel, as shown on right of way plans made for the State of Ohio Department of Transportation titled "LUC-MONROE ST, PID 107489" (Station 540+50.42 Monroe Street);

1. Thence South 01 Degrees 13 Minutes 19 Seconds East a distance of 37.13 feet with the Easterly line of said Pennsylvania Lines parcel, to a point on the Southerly existing right of way line of Monroe Street (Station 540+50.26, 37.13 feet right Monroe Street);
2. Thence South 09 Degrees 56 Minutes 08 Seconds East a distance of 35.26 feet continuing with the Easterly line of said Pennsylvania Lines parcel, to a point (Station 540+55.45, 72.00 feet right Monroe Street);
3. Thence North 84 Degrees 15 Minutes 33 Seconds West a distance of 55.75 feet, to a point on the Westerly line of said Pennsylvania Lines parcel, and the Easterly line of Lot 1 of Stonebridge, a subdivision of record in Plat Volume 132, Page 81 (Station 540+00.14, 65.00 feet right Monroe Street);

EXHIBIT A

4. Thence North 01 Degrees 13 Minutes 19 Seconds West a distance of 117.00 feet with the Westerly line of said Pennsylvania Lines parcel, and Easterly line of said Lot 1 to a point (Station 540+00.65, 52.00 feet left Monroe Street);
5. Thence North 88 Degrees 31 Minutes 41 Seconds East a distance of 50.00 feet, to a point on the line common to said Pennsylvania Lines parcel and a parcel of land conveyed to the Village of Sylvania, Lucas County, Ohio (Station 540+50.65, 52.00 feet left Monroe Street);
6. Thence South 01 Degrees 13 Minutes 19 Seconds East a distance of 52.00 feet with said common line, to the *Point of Beginning*.

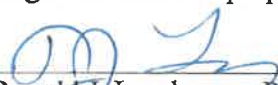
The above described parcel contains 0.140 acres of land, more or less, of which the present road occupies 0.086 acres leaving a net take of 0.054 acres, more or less. Of the above described parcel 0.080 acres are part of Lucas County Auditor's Permanent Parcel Number 82-99015 of which the present road occupies 0.043 leaving a net take of 0.037 acres, more or less, and 0.060 acres are part of Lucas County Auditor's Permanent Parcel Number 82-99007 of which the present road occupies 0.043 acres leaving a net take of 0.017 acres, more or less.

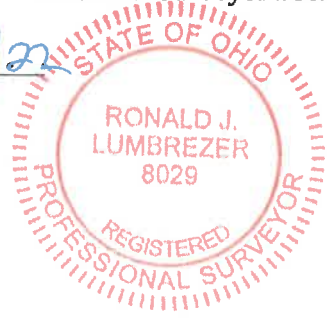
The bearings in this description are for project use only and are based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011). Said coordinates originated from GPS observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The portion of the centerline of Monroe Street having a bearing of North 88 Degrees 31 Minutes 41 Seconds East is designated the Basis of Bearing for this description.

All references to records are to the Lucas County Recorder's Office located in the City of Toledo, Ohio.

Points referred to as set are 3/4 inch diameter x 30 inch long re-bars with a 1 inch diameter aluminum cap marked "DGL PS #8029".

The above description is based on a land survey performed in July of 2019, by DGL Consulting Engineers and was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.


Ronald J. Lumbrezer, P.S. #8029
DGL Consulting Engineers, LLC
3455 Briarfield Blvd - Suite E
Maumee, Ohio 43537
23-T

Date: 2/11/22


6e1.

ORDINANCE NO. 107-2022

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM PENNSYLVANIA LINES, LLC, n/k/a NORFOLK SOUTHERN RAILWAY COMPANY FOR THE MONROE & SILICA IMPROVEMENT PROJECT AND SILICA DRIVE BRIDGE REPLACEMENT PROJECT; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$6,530; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Monroe & Silica Improvement Project and Silica Drive Replacement Project in the City of Sylvania, Ohio have been completed; and,

WHEREAS, the projects include roadway widening and intersection improvements and the bridge replacement and in order to accomplish these improvements, the City needs to acquire a temporary easement from Pennsylvania Lines, LLC, n/k/a Norfolk Southern Railway Company; and,

WHEREAS, Pennsylvania Lines, LLC, n/k/a Norfolk Southern Railway Company is 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 Six Thousand Five Hundred Thirty Dollars (\$6,530.00), 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 Pennsylvania Lines, LLC, n/k/a Norfolk

Southern Railway Company, 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 **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore appropriated, to **Account No. 401-7610-53503, Street Improvements** the sum of Six Thousand Five Hundred Thirty Dollars (\$6,530.00).

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 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 on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2022, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date