

Sylvania City Council

August 21, 2023

6:15 p.m. Zoning & Annexation Committee Meeting

Downtown Zoning

7:00 p.m. Public Hearing

SUP 1-2023, Ghaleb AbuAlhana, 5225 W. Alexis Rd.

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. Hansen.
3. Additions to the agenda.
4. Approval of the Council meeting minutes from July 17, 2023.
5. Introduction of three new City of Sylvania Police Officers – Ryan Stager, Erik Reichmanis and Corey Wright.
6. Report of Public Hearing on SUP 1-2023, from Ghaleb AbuAlhana (Sam Muhsen, Buehrer Group Arch. & Eng., Inc.) for property located at 5225 W. Alexis Rd.
 - a. Certificate of Notice for Application.
7. Executive Session – Possible litigation.
8. Monroe St. & Silica Dr. Upgrade, Silica Drive Bridge Replacement – Change Order No.1
 - a. Service Director’s report on project.
 - b. Proposed Ordinance No. 67-2023, Authorizing the Mayor and Director of Finance to approve Change Order No. 1 to this City’s agreement with Mosser Construction for this project increasing the contract amount by \$52,052.20.
9. Tantallon Plat I & II Resurfacing – Change Order No. 1 (Final).
 - a. Safety Director’s report on project.
 - b. Proposed Ordinance No. 68-2023, Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City’s agreement with Bowers Asphalt & Paving, Inc. for this project increasing the contract amount by \$16,171.46.
10. Proposed Ordinance No. 69-2023, Ratifying the action of the Administration in approving the Banner Application of Lourdes University.

11. Proposed Ordinance No. 70-2023, Authorizing the Mayor and Director of Finance to enter into a Joint Driveway Access Agreement with First Brookside, LLC.
12. Proposed Ordinance No. 71-2023, Authorizing the Mayor and Director of Finance to enter into a Patio Easement Agreement with First Brookside, LLC.
13. Proposed Ordinance No. 72-2023, Authorizing the Mayor and Director of Finance to enter into a First Amendment to the amended and restated development agreement with First Brookside, LLC.
14. Large Diameter Sanitary Sewer Lining Project (Phase 3) & South Main Street Sanitary Sewer Rehabilitation.
 - a. Service Director's report to advertise for bids.
 - b. Authorization to advertise for bids.
15. Proposed Resolution No. 8-2023, Re-appointing William D. Sanford to the Sylvania JEDD I Board of Directors for a term of four years.
16. Approval of three (3) City vehicles to be offered for auction on GovDeals.com.
17. Committee reports.
 - a. Zoning & Annexation Committee from this date.
18. Committee referrals.

INFORMATION

- A. Board of Architectural Review Meeting Minutes from August 16, 2023.
- B. Sylvania Municipal Planning Commission Meeting Minutes from August 16, 2023.

Minutes of the Meeting of Council
July 17, 2023

The Council of the City of Sylvania, Ohio met in regular session on July 17, 2023 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, Mary Westphal(excused), Lyndsey Stough; (6) present; (1) absent.

Roll call:
6 present, 1
excused.

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

Pledge of
Allegiance.

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

The following Information Items have been added to the agenda:

Item B. Board of Architectural Review Meeting minutes from July 12, 2023

Item C. Planning Commission Meeting minutes from July 12, 2023.

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

Agenda approval.

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

Mr. Frye presented the June 20, 2023 meeting minutes. Mr. Frye moved, Ms. Stough 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 June 20, 2023 be approved; roll call vote being: McCann, Richardson, Haynam, Frye, Stough, Hansen; (6) yeas; (0) nays. The motion carried.

Approval of the
June 20, 2023
meeting minutes.

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

Mayor Stough presented a Proclamation to retiring Executive Director of Sylvania Area Family Services, Dottie Segur, for her many years of service to the Sylvania Community. Several SAFS Board members attended to honor her.

Proclamation
presentation to
Dottie Segur.

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

Sue Runkle with the League of Women Voters-Toledo Lucas County passed out information on Issue 1 that will be on the August 8, 2023 ballot.

League of
Women Voters
distributed Issue
1 info.

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

Kevin Aller, City of Sylvania Service Director, gave an update on the Monroe Street Corridor project involving Monroe & Silica and Monroe & Harroun.

Monroe St.
Corridor Update.

Minutes of the Meeting of Council
July 17, 2023

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

Service Director's report on project was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 59-2023, 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 contract of sale and purchase of real property for a portion of the property located at 5307 Harroun Road relative to the Harroun Road/Ravine Drive/Flower Hospital Intersection Improvement project owned by Randall I. Ortman, Successor Trustee of the Patricia Ortman Trust, for the amount of \$450.00; providing funds for said purchase; authorizing the payment of the purchase price; and declaring an emergency."; Mr. Richardson moved, Mr. Haynam seconded for passage of Ordinance No. 59-2023 as an emergency measure; roll call vote being: Hansen, Haynam, McCann, Richardson, Frye, Stough; (6) yeas; (0) nays. The motion carried.

Ordinance No. 59-2023, "...Randall Ortman...5307 Harroun Rd. property purchase..."

Service Director's report on project was placed on file. Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 60-2023, 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 temporary construction easement and contract of sale and purchase of real property for a portion of the property located at 5239 Harroun Road relative to the Harroun Road/ Ravine Drive/Flower Hospital Intersection Improvement Project owned by Robert G. Stewart, for the amount of \$20,008.00; providing funds for said purchase; authorizing the payment of the purchase price; and declaring an emergency."; Mr. Richardson moved, Mr. McCann seconded for passage of proposed Ordinance No. 60-2023 as an emergency measure; roll call vote being: Hansen, Haynam, McCann, Richardson, Frye, Stough; (6) yeas; (0) nays. The motion carried.

Ordinance No. 60-2023, "...Robert Stewart...5239 Harroun Rd. property purchase..."

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

Service Director's report on grant program was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 61-2023, 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 Joint Cooperation Agreement on behalf of this City of Sylvania with the Lucas County Board of County Commissioners, relative to the Northwest Ohio Transportation Safety Action Plan Safe Streets for All Grant; and declaring an emergency."; Mr. Frye moved, Ms. Stough seconded for passage of Ordinance No. 61-2023 as an emergency measure; roll call vote being: Haynam, McCann, Richardson, Frye, Stough, Hansen; (6) yeas; (0) nays. The motion carried.

Ordinance No. 61-2023, "...Joint Cooperation... Transportation Safety Action Plan..."

Minutes of the Meeting of Council
July 17, 2023

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

Service Director's report on grant agreement was placed on file. Ms. Stough presented and read aloud by title only, proposed Ordinance No. 62-2023, 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 Pass-Through Grant Agreement with the State of Ohio, Department of Natural Resources relative to the Sylvania Plummer Pool Improvement Project; and declaring an emergency."; Ms. Stough moved, Mr. McCann seconded for passage of Ordinance No. 62-2023 as an emergency measure; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Hansen; (6) yeas; (0) nays. The motion carried.

Ordinance No. 62-3023, "...Pass Through Grant... Plummer Pool Improvement Project..."

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

Service Director's report on application was placed on file. Mr. Richardson presented and read aloud by title only, proposed Resolution No. 7-2023, 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 Congestion Mitigation and Air Quality and Carbon Reduction Grant Programs managed by Toledo Metropolitan Area Council of Government and to execute contracts as required; and declaring an emergency."; Mr. Richardson moved, Mr. Haynam seconded for passage of Resolution No. 7-2023 as an emergency measure; roll call vote being: McCann, Richardson, Frye, Stough, Hansen, Haynam; (6) yeas; (0) nays. The motion carried.

Resolution No. 7-2023, "...CMAQ & CRP...Brint & Harroun Roundabout Grant..."

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 63-2023, a written copy of same having been previously furnished to each member of Council, "Authorizing the contribution of \$7,500.00 toward the cost of running commercials promoting Northwest Ohio during the LPGA/Dana Open at Highland Meadows Golf Club; appropriating funds therefore; and declaring an emergency."; Mr. Frye moved, Ms. Stough seconded for passage of Ordinance No. 63-2023 as an emergency measure; roll call vote being: McCann, Richardson, Haynam, Stough, Hansen, Frye; (6) yeas; (0) nays. The motion carried.

Ordinance No. 63-2023, "...\$7,500.00... LPGA/Dana Open..."

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

Mr. McCann presented and read aloud by title only, proposed Ordinance No. 64-2023, a written copy of same having been previously furnished to each member of Council, "To assess a special tax upon the lots and lands described in the schedule referred to

Ordinance No. 64-2023, "...Drainage

Minutes of the Meeting of Council
July 17, 2023

herein to pay a part of the cost and expense of providing the construction, maintenance, repair, cleaning and enclosing open drainage ditches within the corporate limits of the City of Sylvania for the year ending December 31, 2023; and declaring an emergency.”; Mr. McCann moved, Mr. Haynam seconded for passage of Ordinance No. 64-2023 as an emergency measure; roll call vote being: McCann, Richardson, Haynam, Stough, Hansen, Frye; (6) yeas; (0) nays. The motion carried.

Ditches
Assessment...”

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

Mr. Hansen presented and read aloud by title only, proposed Ordinance No. 65-2023, a written copy of same having been previously furnished to each member of Council, “To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the removal and special treatment of shade trees for the purpose of controlling blight and disease of same; and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City for the year ending December 31, 2023; and declaring an emergency.”; Mr. Hansen moved, Ms. Stough seconded for passage of Ordinance No. 65-2023 as an emergency measure; roll call vote being: Richardson, Haynam, Stough, Hansen, Frye, McCann; (6) yeas; (0) nays. The motion carried.

Ordinance No.
65-2023, “...
Shade Trees
Assessment...”

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

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 66-2023, a written copy of same having been previously furnished to each member of Council, “Ordinance approving the assessments heretofore authorized by Resolution No. 5-2023 for street lighting; levying said assessments; and declaring an emergency.”; Mr. Richardson moved, Mr. Hansen seconded for passage of Ordinance No. 66-2023 as an emergency measure; roll call vote being: Haynam, Richardson, Stough, Hansen, Frye, McCann; (6) yeas; (0) nays. The motion carried.

Ordinance No.
66-2023,
“...Street
Lighting
Assessment...”

Mayor Stough stated that Council will now consider agenda item 16.

Mr. Frye moved, Mr. Haynam seconded to approve the three City vehicles (2011 Ford F150, 2013 Ford Police Interceptor and 2014 Ford Police Interceptor) to be offered for auction on GovDeals.com; roll call vote being: Hansen, McCann, Richardson, Stough, Haynam, Frye; (6) yeas; (0) nays. The motion carried.

Authorize 3 City
vehicles to
auction on
GovDeals.com.

Mr. Richardson requested a brief update on the Inside the Five construction project. Ms. Brinning provided an update on the project.

Minutes of the Meeting of Council
July 17, 2023

Mayor Stough stated all agenda items have been addressed.

Mr. Frye moved, Mr. McCann seconded to adjourn at 8:23 p.m. Roll call vote being:
Richardson, Hansen, Frye, Stough, Haynam, McCann; (6) yeas; (0) nays.

Adjournment.

Clerk of Council

Mayor



6

SYLVANIA CITY COUNCIL
LAURA BIGELOW, CLERK

August 21, 2023


To: Mayor Craig Stough and Members of City Council

Fm: Laura Bigelow, Clerk of Council

Certificate of Notice
SUP 1-2023, Toledo Islamic Academy, 5225 W. Alexis Rd.

The undersigned Clerk of Council hereby certifies the following:

- A. Thirty (30) days of time and place of public hearing was published in the Sylvania Advantage on July 3, 2023.
- B. Written notice of hearing was mailed by first class mail, twenty (20) or more days prior to the scheduled hearing date to all owners of property within, contiguous to, and directly across the street from the subject parcel or parcels, which owners, so notified, are listed in the attached document.


Clerk of Council
City of Sylvania

Parcel	MailName	MailAddress	MailCity	MailState	MailZip
7861364	CHELSEA A KELLY	5635 MCLAIN DR	SYLVANIA	OH	43560
7861357	SHERRY JO SPECHT	5633 MCLAIN DR	SYLVANIA	OH	43560-2515
7861351	LEONA E ROBERTS ETAL	5615 MCCLAIN DR	SYLVANIA	OH	43560
7861331	WARD CHERYL	5614 MCLAIN DR	SYLVANIA	OH	43560
7861321	WAKELAND DOROTHY L ETAL	5563 MCLAIN DR	SYLVANIA	OH	43560
8235001	JOHANN RICHARD A & TRACEYL	5558 SILVERTOWN DR	SYLVANIA	OH	43560-2424
7861314	ELIZABETH D GANDARILLA	5557 MCLAIN DR	SYLVANIA	OH	43560
8235054	LEROY W WICKERHAM	5556 SILVERTOWN DR	SYLVANIA	OH	43560
7861311	JOHN YOCKEY	5553 MCLAIN DR	SYLVANIA	OH	43560
7861304	LISA M FORGETTE	5547 MCLAIN DR	SYLVANIA	OH	43560-2513
7813624	KIM SCHLIEMAN	3533 149TH ST	TOLEDO	OH	43611-2531
8235074	CHICAGO TITLE INSURANCE COMPANY TRUSTEE	5225 W ALEXIS RD	SYLVANIA	OH	43560
8235091	BRENT ROBERTS	5530 SILVERTOWN DR	SYLVANIA	OH	43560-2424
7845761	J H & B J MARKIN	5529 MERRIMAN DR	SYLVANIA	OH	43560-2519
7845764	LEE E INGLE	5527 MERRIMAN RD	SYLVANIA	OH	43560
7845757	D D & C S KAMER	5524 MERRIMAN RD	SYLVANIA	OH	43560
7845767	WILLIAM BECKER ETAL	5523 MERRIMAN	SYLVANIA	OH	43560
8235087	JOHNSTON ANDREW S	5518 SILVERTOWN DR	SYLVANIA	OH	43560
8235104	MARY LEE GARVERICK	5508 SILVERTOWN DR	SYLVANIA	OH	43560-2424
8235101	SHANE & MICHELLE BURKEY	5504 SILVERTOWN DR	SYLVANIA	OH	43560
7845781	SALEEN ROBERTSON & TYLER BARROS	5503 MERRIMAN RD	SYLVANIA	OH	43560
7845784	P C & N PROPERTIES	5745 PHILLIPS AVE	SYLVANIA	OH	43560
8235120	BILAL BAZZI & HANAN KASHEN	5444 SILVERTOWN DR	SYLVANIA	OH	43560
7845787	LINDA D HANLEY	5441 MERRIMAN RD	SYLVANIA	OH	43560-2517
8235123	FRED G VAN DRIESON	5438 SILVERTOWN DR	SYLVANIA	OH	43560-2422
7845791	VICKI I THOMPSON	5650 NORTHVIEW DR	SYLVANIA	OH	43560-2070
8235117	LATASHA N & RONALD WALKER	5430 SILVERTOWN DR	SYLVANIA	OH	43560
7845794	RICHARD RECHTINE	5941 MEADE RD	SYLVANIA	OH	43560
8235144	K R & C S COLE	5424 SILVERTOWN	SYLVANIA	OH	43560
8235154	CHESTER L SAXTON	5420 SILVERTOWN DR	SYLVANIA	OH	43560-2422
8200166	JACOB W & ALLISON R TIPPIE	5411 MERRIMAN RD	SYLVANIA	OH	43560
8235007	FIRST CHRISTIAN CHURCH	5271 ALEXIS RD	SYLVANIA	OH	43560-2505
8235157	ROGERS JAMES D & ELIZABETH A	5262 MCGREGOR	SYLVANIA	OH	43560

7853237	ALINA'S LLC	4346 WELDWOOD LN	SYLVANIA	OH	43560
7849571	NICHOLAS WILLIAM L	5239 MCGREGOR LN	SYLVANIA	OH	43560-2509
8205168	MASJID SAAD FOUNDATION	5225 W ALEXIS RD	SYLVANIA	OH	43560
7849581	DONALD A GALBRAITH & JUDITH A ROTH	5225 MCGREGOR LN	SYLVANIA	OH	43560
7849587	LOUIS E MASNEY ETAL	5217 MCGREGOR LN	SYLVANIA	OH	43560-2509
8205178	REGENCY HOSPITAL OF TOLEDO	P O BOX 92129	SOUTHLAKE	TX	76092
8200169	LINDA MADDEN	5201 MCGREGOR LN	SYLVANIA	OH	43560
8205375	CATHEDRAL OF PRAISE	3000 STRAYER RD	MAUMEE	OH	43537-9529
8293921	MICKEY M ASAD	816 SOUTHBRIAR	TOLEDO	OH	43607
7845754	DD & CS KAMER	5524 MERRIMAN RD	SYLVANIA	OH	43560



8a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

August 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **LUC-MONROE ST. & SILICA DR. UPRD &
LUC-SILICA DRIVE BRIDGE REPLACEMENT (PID 107489) – CHANGE ORDER NO. 1**

Dear Mr. Mayor and Council Members:

Improvements to the Monroe Street corridor between Silica Drive and Main Street along with the replacement of the Silica Drive bridge have advanced to Phase 2 construction this month. The project is over 50% complete and is scheduled to be completed in mid-November. The Service Department is requesting a project change order for several items that have changed since bidding.

At the April 17, 2023 meeting City Council authorized a Construction Agreement Amendment with Norfolk Southern Railroad (Ord. 39-2023). The major change in this Agreement removed railroad protective services responsibilities from Norfolk Southern and shifted this responsibility to the City and our contractor. This amount (\$50,486) was removed from the Agreement. This change order creates a new \$50,000 pay item in the Mosser Construction contract and will allow them to recover railroad protective services costs as billed by their hired contractor.

Other items in this change order include:

- Removal of storm water pollution prevention plan software (-\$5,400).
- Removal of traffic signal spread spectrum radio equipment (-\$2,515.80).
- Adding two electrical power service quantities for the conversion of school zone flasher equipment from solar power to AC (\$9,968).

As a result, a total change order in the amount of \$52,052.20 is necessary to increase the contract amount from \$5,906,737.56 to \$5,958,789.76. Please call if you have any questions.

Sincerely,

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

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

8b.

ORDINANCE NO. 67-2023

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH MOSSER CONSTRUCTION FOR THE MONROE STREET AND SILICA DRIVE INTERSECTION IMPROVEMENT AND SILICA DRIVE BRIDGE REPLACEMENT PROJECT TO REFLECT THE COSTS OF RAILROAD PROTECTIVE SERVICES; INCREASING THE CONTRACT AMOUNT BY \$52,052.20; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 21-2023, passed February 21, 2023, accepted the bid of Mosser Construction and awarded the contract for the Monroe Street and Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project to same, which bid was in the amount of \$5,906,737.56; and,

WHEREAS, Ordinance No. 66-2022, passed July 18, 2022, authorized the Mayor and Director of Finance to enter into a Construction Agreement with Norfolk Southern Railway Company relative to the Monroe Street and Silica Drive Intersection Improvement Project and set forth the rights and responsibilities of both the City and Railroad, which included Norfolk Southern being responsible for railroad protective services; and,

WHEREAS, Ordinance No. 39-2023, passed April 17, 2023, authorized a Construction Agreement Amendment to this City's Agreement with Norfolk Southern Railroad for the Monroe Street and Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project to remove the railroad protective services responsibilities from Norfolk Southern and shift this responsibility to the City and Mosser Construction; and,

WHEREAS, the Director of Public Service, by report dated August 21, 2023, has requested approval of Change Order No. 1 of Mosser Construction for said Monroe Street and Silica Drive Intersection Improvement and Silica Drive Bridge Replacement Project to reflect the

additional cost of railroad protective services, adding two electrical power service quantities for the conversion of school zone flasher equipment from solar power to AC and removal of storm water pollution prevention plan software and traffic signal spread spectrum radio equipment, for a total net increase to the contract of \$52,052.20; and,

WHEREAS, the additional items resulted in a net increase to the contract in the amount of Fifty-Two Thousand Fifty-Two and 20/100 Dollars (\$52,052.20), for a total contract amount of \$5,958,789.76.

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

SECTION 1. That said change order increasing the contract amount by the sum of Fifty-Two Thousand Fifty-Two and 20/100 Dollars (\$52,052.20), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, 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 Fifty-Two Thousand Fifty-Two and 20/100 Dollars (\$52,052.20).

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 adjustments in the contract for said additional work requested should be approved 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.

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.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



American Structurepoint - OH

Change Order Details

LUC-MONROE ST & SILICA DR UPRGD & BRIDGE REPLACEMENT

Description

LUC-MONROE ST & SILICA DR UPRGD (PART 1):

Removing the existing bridge and pedestrian bridge on Silica Drive over ten mile creek and replacing with a three span prestressed composite concrete box beam superstructure with reinforced concrete deck on cap and column piers on semi-integral concrete abutments, and necessary approach work.

LUC-SILICA DRIVE BRIDGE REPLACEMENT (PART 2):

Upgrade and widening of the intersection Monroe Street and Silica Drive. Project includes upgrading the at-grade crossing with Norfolk Southern railroad. Project also includes new asphalt pavement, concrete curb, drainage, earthwork, pavement markings and signing.

Prime Contractor

MOSSER CONSTRUCTION INC
122 S WILSON AVE
FREMONT, OH 43420

Change Order

1

Status

Pending

Date Created

07/25/2023

Type

Various - see explanations

Summary

Various changes - see descriptions

Change Order Description

Line Item 033: Storm Water Pollution Prevention Plan Inspection Software (owner-requested change)

The inspections can be performed without the contractor purchasing new software. This line item is non-performed in its entirety.

Line Item 165: Spread Spectrum Radio, As Per Plan (owner-requested change)

The city has a separate contract to coordinate signals along this corridor, therefore this line item is non-performed in its entirety.

New Line Item 8000: Railroad Flagging Expenses (Changes -- non-preventable)

The NS Railroad requires flagging when construction operations are within the R/W of their tracks. Construction on Monroe Street will require

encroachment into the NS R/W. NS will invoice Mosser Construction directly for flagging services and Mosser will be reimbursed through this contract. \$50,000 is being set up for reimbursement of this service. The unit of pay is EACH where 1 EACH = 1 DOLLAR.

Line Item 034: Erosion Control (Changes -- non-preventable)

The reimbursement cost for the use of dandy bags or "catch-it" bags as curb inlet protection is not specified in SS 832. This change order sets the price to be paid for these items at \$211 per EACH. This cost was established on another LPA project in the area, is deemed reasonable, and was approved by ODOT.

Line Item 094: Power Service, As Per Plan (owner-requested change)

The school flashers both east and west of Maplewood Elementary were powered by solar. The city has had many issues with the solar powering of these devices in the past, therefore the city decided to provide power service to each of these new flasher units so that they can be metered individually. This change order adds 2 EACH, Power Service, As Per Plan to provide power to these units. There were already 2 EACH setup in the plan for power service to the two runs of lighting. This change adds 2 more for a total of 4.

Awarded Project Amount	\$5,906,737.56
Authorized Project Amount	\$5,906,737.56
Change Order Amount	\$52,052.20
Revised Project Amount	\$5,958,789.76

Increases/Decreases

Line Number	Item ID	Unit	Unit Price	Current Quantity	Current Amount	Change Quantity	Change Amount	Revised Quantity	Revised Amount
0033	832E15010	LS	\$5,400.000	1.000	\$5,400.00	-1.000	-\$5,400.00	0.000	\$0.00

Section: 2 - Erosion Control

Storm Water Pollution Prevention Plan Inspections Software

Reason: Owner is not requiring the contractor to purchase the software. They can use software which they already utilize.

Line Number	Item ID	Unit	Unit Price	Current Quantity	Current Amount	Change Quantity	Change Amount	Revised Quantity	Revised Amount
Section: 6 - Lighting									
0094	625E34001	EACH	\$4,984.000	2.000	\$9,968.00	2.000	\$9,968.00	4.000	\$19,936.00

Power Service, As Per Plan

Reason: Provide power service to the two school signal flashers. There were 2 EACH already provided in the plans for the lighting runs. This change makes the revised total 4 EACH.

Section: 8 - Traffic Signals									
0165	815E30001	EACH	\$2,515.800	1.000	\$2,515.80	-1.000	-\$2,515.80	0.000	\$0.00
Spread Spectrum Radio, As Per Plan									
Reason: The city has a separate contract to coordinate signal timing, therefore this item is not required.									
3 items				Totals	\$17,883.80		\$2,052.20		\$19,936.00

New Items

Line Number	Item ID	Unit	Quantity	Unit Price	Extension
Section: 10 - Maintenance of Traffic					
8000	990E40000	EACH	50,000.000	\$1.000	\$50,000.00
AGREED UNIT PRICE					
Reason: Railroad flagging: 1 EACH = 1 DOLLAR					

1 item Total: \$50,000.00



9a.

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

August 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **TANTALLON PLAT I & II RESURFACING
CHANGE ORDER NO. 1 (FINAL)**

Dear Mr. Mayor and Council Members:

The Tantallon Plat I & II Resurfacing Project was recently completed. The original contract amount with Bowers Asphalt and Paving, Inc. on the project was \$336,721.84 and received Council approval on December 19, 2022 by Ordinance 110-2022. Now that the project is completed, the final installed quantities have been resolved and a change order is necessary to adjust the final contract price.

The installed quantities have resulted in an increase to the original contract in the amount of \$16,171.46. The largest contributor to the increased contract amount was adding 543 feet of additional curb and gutter replacement at a cost of \$32,297.50.

Once milling operations were completed and inspected the underlying asphalt pavement was in much better condition than originally thought. The project budgeted \$14,700 in pavement repairs and no pavement repair work was needed. These savings were applied towards the needed curb and gutter replacements. The net increase to perform the curb and gutter repair work was \$17,597.50.

A total change order in the amount of \$16,171.46 is necessary to increase the final contract amount from \$336,721.84 to \$352,893.30. Please call if you have any questions.

Sincerely,

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

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

9b.

ORDINANCE NO. 68-2023

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 (FINAL) TO THIS CITY'S AGREEMENT WITH BOWERS ASPHALT AND PAVING, INC. FOR THE TANTALLON PLAT I & II RESURFACING PROJECT TO REFLECT THE FINAL INSTALLED QUANTITIES; INCREASING THE CONTRACT AMOUNT BY \$16,171.46; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 110-2022, passed December 19, 2022, accepted the bid of Bowers Asphalt and Paving, Inc. and awarded the contract for the Tantallon Plat I & II Resurfacing Project to same, which bid was in the amount of \$336,721.84; and,

WHEREAS, the Director of Public Service, by report dated August 21, 2023, has recommended acceptance of Change Order No. 1 (Final) of Bowers Asphalt and Paving, Inc. for said Tantallon Plat I & II Resurfacing Project to reflect the final installed quantities, including adding 543 feet of additional curb and gutter replacement; and,

WHEREAS, the final installed quantities resulted in a net increase to the contract in the amount of Sixteen Thousand One Hundred Seventy-One and 46/100 Dollars (\$16,171.46), for a total contract amount of \$352,893.30.

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

SECTION 1. That said change order increasing the contract amount by the sum of Sixteen Thousand One Hundred Seventy-One and 46/100 Dollars (\$16,171.46), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, 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 Sixteen Thousand One Hundred Seventy-One and 46/100 Dollars (\$16,171.46).

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 adjustments in the contract for said additional work requested should be approved 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.

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.

Vote on passage as an emergency: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CITY OF SYLVANIA, OHIO

CHANGE ORDER Number 1 (Final)

Project Ordinance No.: 110-2022 Purchase Order No. 63340

Contract: Tantallon Plat I & II Resurfacing

Title of Change Order: _____

Date: 7/31/2023

Description of Change: Final Installed Quantities (See Attached) = \$16,171.46

RECOMMENDED
FOR APPROVAL BY:

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

Date

Original Contract Amt	\$ 336,721	84	REVIEWED BY:	<u>Joseph E. Shaw</u> Engineer
Previous Changes (+ or -)	\$ 0	00	DATE:	<u>8/3/23</u>
This Change (+ or -)	\$ 16,171	46	SUBMITTED BY:	<u>Bobbes Asphalt & Paving, Inc.</u> Name of Contractor
Adjusted Contract Amt	\$ 352,893	30	DATE:	<u>7/31/23</u> Contractor's Signature

City of Sylvania, Ohio

The above proposal is hereby approved.

The above proposal is hereby approved.

Craig A. Stough, Mayor

Date

Toby Schroyer, Finance Director

Date

TO OWNER: CITY OF SYLVANIA
 6730 MONROE STREET
 SYLVANIA, OHIO 43560

FROM CONTRACTOR: BOWERS ASPHALT AND PAVING, INC.
 6157 WALBRIDGE ROAD
 WALBRIDGE, OHIO 43465

APPLICATION NO: 2 (Final)
 PERIOD TO: 7/27/2023 TO
 8/2/2023

PROJECT: TANTALLON PLAT I & II RESURFACING SHEET: 1 OF 1

LINE NO.	BID ITEM NO.	DESCRIPTION OF WORK	UNIT	BID QUANTITY	UNIT PRICE	BID VALUE	ESTIMATED QUANTITY INSTALLED	VALUE	MATERIALS PRESENTLY STORED (NOT IN C)	TOTAL COMPLETED AND STORED TO DATE (D+E)	% (F/B)	BALANCE TO FINISH TO FINISH (B-F)
1	202	Walk Removed	SQ FT	3900	\$3.45	\$13,455.00	3280.8	\$11,318.76		\$11,318.76	84%	\$2,136.24
2	202	Curb and Gutter Removed	FT	340	\$14.00	\$4,760.00	653.4	\$9,147.60		\$9,147.60	192%	(\$4,387.60)
3	202	Monument Assembly Removed	EACH	7	\$100.00	\$700.00		\$0.00		\$0.00	0%	\$700.00
4	608	Concrete Walk	SQ FT	1255	\$12.00	\$15,060.00	1,420.8	\$17,049.60		\$17,049.60	113%	(\$1,989.60)
5	608	Curb Ramp, As Per Plan	SQ FT	2650	\$12.00	\$31,800.00	2413.3	\$28,959.60		\$28,959.60	91%	\$2,840.40
6	623	Monument Assembly, LCE Type B	EACH	5	\$400.00	\$2,000.00		\$0.00		\$0.00	0%	\$2,000.00
7	653	Topsoil Furnished and Placed	CU YD	80	\$70.00	\$5,600.00	80	\$5,600.00		\$5,600.00	100%	\$0.00
8	659	Commercial Fertilizer	TON	0.06	\$1,500.00	\$90.00	0.06	\$90.00		\$90.00	100%	\$0.00
9	659	Seeding and Mulching Class 1, As Per Plan	SQ YD	430	\$3.00	\$1,290.00	430	\$1,290.00		\$1,290.00	100%	\$0.00
10	659	Water	MGAL	2.5	\$20.00	\$50.00		\$0.00		\$0.00	0%	\$50.00
11	253	Pavement Repair, As Per Plan	SQ YD	350	\$42.00	\$14,700.00		\$0.00		\$0.00	0%	\$14,700.00
12	254	Pavement Planing (2"), Asphalt Concrete	SQ YD	16057	\$1.90	\$30,508.30	16057	\$30,508.30		\$30,508.30	100%	\$0.00
13	407	Non-Tracking Tack Coat	GAL	803	\$3.00	\$2,409.00	562	\$1,686.00		\$1,686.00	70%	\$723.00
14	407	Non-Tracking Tack Coat for Intermediate Course	GAL	1285	\$3.00	\$3,855.00	803	\$2,409.00		\$2,409.00	62%	\$1,446.00
15	441	Asphalt Concrete Surface Course, Type 1, (448).	CU YD	558	\$180.00	\$100,440.00	558	\$100,440.00		\$100,440.00	100%	\$0.00
16	441	Asphalt Concrete Intermediate Course, Type 1, (448), PG64-22 (Leveling Course)	CU YD	335	\$180.00	\$60,300.00	371	\$66,780.00		\$66,780.00	111%	(\$6,480.00)
17	609	Combination Curb and Gutter, LCE Type F	FT	110	\$39.00	\$4,290.00	653.4	\$25,482.60		\$25,482.60	594%	(\$21,192.60)
18	SPEC	Asphalt Rejuvenating Agent, As Per Plan	SQ YD	16057	\$1.22	\$19,589.54	16057	\$19,589.54		\$19,589.54	100%	\$0.00
19	614	Portable Changeable Message Sign, As Per Plan	SNMT	1	\$825.00	\$825.00	1	\$825.00		\$825.00	100%	\$0.00
20	614	Maintaining Traffic	LUMP	1	\$12,500.00	\$12,500.00	1	\$12,500.00		\$12,500.00	100%	\$0.00
21	624	Mobilization	LUMP	1	\$12,500.00	\$12,500.00	1	\$12,500.00		\$12,500.00	100%	\$0.00
		BASE BID TOTAL				\$336,721.84		\$346,176.00		\$346,176.00		(\$9,454.16)
CO1		Curb Modifications										
100	202	Curb Removed (Type A)	FT	21.3	\$14.00	\$298.20		\$298.20		\$298.20		
101	609	Curb, Type A	FT	21.3	\$33.00	\$702.90		\$702.90		\$702.90		
102		Curb and Gutter Restoration (Driveways)	FT	680.5	\$8.40	\$5,716.20		\$5,716.20		\$5,716.20		
		GRAND TOTAL				\$352,893.30		\$352,893.30		\$352,893.30		

ORDINANCE NO. 69-2023**RATIFYING THE ACTION OF THE ADMINISTRATION IN APPROVING THE BANNER APPLICATION OF LOURDES UNIVERSITY; AND DECLARING AN EMERGENCY.**

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

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

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

WHEREAS, Lourdes University submitted the application to hang a banner within said public right-of-way to welcome Lourdes University students back to campus for the start of the Fall Semester on August 8, 2023; and,

WHEREAS, the banner will hang from August 14, 2023 – August 31, 2023 and will comply with all of the terms and conditions set forth in Resolution No. 19-2000 and Ordinance No. 20-2018.

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

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

SECTION 2. That the action of the Administration to approve the application, contingent on City Council approval is hereby ratified said permit granting permission to proceed under the application hereby approved.

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

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the action of the administration to approve the banner permit should be ratified 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, _____, 2023, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

11

ORDINANCE NO. 70-2023

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO
ENTER INTO A JOINT DRIVEWAY ACCESS EASEMENT WITH FIRST
BROOKSIDE, LLC ON BEHALF OF THE CITY OF SYLVANIA, OHIO;
AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 8-2017, passed January 17, 2017, approved the Offer to Purchase of Midland Agency of Northwest Ohio, Inc. to purchase the City's real estate known as the Maplewood Marketplace, 5703 Main St. at a sales price of \$1,100,000; and,

WHEREAS, during the diligence period, some issues were identified that needed to be repaired, and in lieu of the City making the repairs, the Buyer has requested that credits equal to the repair cost be given off the purchase price and the Buyer will make the necessary repairs and improvements; and,

WHEREAS, Ordinance No. 43-2017, passed May 15, 2017, authorized the Mayor and Director of Finance to enter into a Third Amendment to Real Estate Purchase Agreement to purchase said real estate known as the Maplewood Marketplace, 5703 Main St., from the City of Sylvania for a total purchase price of One Million Fifty-Nine Thousand Four Hundred Fifty-Four Dollars (\$1,059,454.00); and,

WHEREAS, the closing on the sale of the property was held on May 17, 2017 and since that time, the owners of the property have been finalizing their plans for the property and building which include incorporating some of the City's property adjacent to the Maplewood Marketplace; and,

WHEREAS, Ordinance No. 51-2019, passed June 3, 2019, approved the Offer to Purchase of First Brookside, LLC to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.00; and,

WHEREAS, Ordinance No. 48-2020, passed August 17, 2020, approved the Offer to Purchase of First Brookside, LLC to purchase 5705 and 5711 North Main Street, Sylvania, Ohio at a sale price of \$200,000; and,

WHEREAS, during the diligence period, a survey issue was identified relative to a gap parcel at the easterly boundary line of the property, and in lieu of waiting until that issue can be resolved by either a quiet title action or obtaining deeds from the prior owners' heirs, the Buyer has proposed that they will accept the title to the property "as is" and assume the responsibility for the quiet title action in exchange for a \$20,000 credit on the purchase price; and,

WHEREAS, Ordinance No. 30-2021, passed April 5, 2021, approved the Third Amendment to the Real Estate Purchase Agreement of First Brookside, LLC to purchase the City's real estate located at 5705 and 5711 North Main Street for a total purchase price of \$180,000; and,

WHEREAS, the City closed on the sale of the duplexes on April 22, 2021; and,

WHEREAS, First Brookside, LLC has now completed and received all necessary approvals for the expansion of Inside the Five and is ready to proceed with their improvements; and,

WHEREAS, the development and use of the First Brookside property requires construction of a new twenty-five-foot (25') access drive, twenty feet (20') of which is on First Brookside property, and five feet (5') of which is on City property; and,

WHEREAS, the City desires to grant First Brookside an access easement for ingress and egress over its property and First Brookside desires to expand the access easement reserved by the City in the property transfer to include all of the new driveway on the First Brookside property, a copy of which is attached hereto as "Exhibit A."

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

SECTION 1. That the Joint Driveway Access Easement attached hereto as "Exhibit A" is hereby approved and the Mayor and Director of Finance are hereby authorized to sign, on behalf of the City said Joint Driveway Access Easement.

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 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, Sections 11 and 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 City should proceed with the purchase of this property forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

ATTEST: _____
President of Council

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

JOINT DRIVEWAY ACCESS EASEMENT

THIS JOINT DRIVEWAY ACCESS EASEMENT (the “Agreement”) is entered into between **FIRST BROOKSIDE, LLC**, an Ohio limited liability company, of (“FB”) and the **CITY OF SYLVANIA**, an Ohio municipal corporation, of (“COS”) F, effective on the latest date set forth below (the “Effective Date”).

RECITALS: WHEREAS,

A. FB is the fee simple owner of that real property legally described on Exhibit A attached hereto and made a part hereof (the “FB Property”);

B. COS is the fee simple owner of the real property legally described on Exhibit B attached hereto and made a part hereof (the “COS Property”);

C. The development and use of the FB Property requires construction of a new twenty-five foot (25’) access drive (the “New Driveway”), twenty feet (20’) of which is on the FB Property and approximately five feet (5’) of which is on the southernmost part of the COS Property as graphically depicted as the crosshatched area on Exhibit C attached hereto and made a part hereof (the “Easement Property”);

D. COS, in its deed transfer of the FB Property to FB, set forth in the Deed recorded with the Lucas County, Ohio Recorded as Official Record 20210428-0021325, retained an access easement over the northernmost driveway then located on the FB Property and adjacent to the COS Property for the limited purpose and with the restrictions as set forth therein (the “Reserved COS Access Easement”); and

E. COS desire to grant FB an access easement for ingress and egress over the Easement Property for the benefit of the FB Property to and from the public road adjacent to the FB Property known as Main Street and the parties desire to amend the Reserved COS Easement to include all of the New Driveway on the FB Property.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, and for other good and valuable consideration paid and received, the parties, intending to be legally bound, agree the above recitals are hereby incorporated herein by reference, and as follows:

1. **Grant of Easement.** COS grants and conveys to FB, its successors and assigns, for the benefit of FB, its agents, employees, contractors, invitees, tenants and licensees, and for the benefit of the FB Property, a permanent, non-exclusive easement on, over and across the Easement Property for the purposes of vehicular and pedestrian ingress and egress to and from the public street known as Main Street and the FB Property. In addition, COS grants FB a temporary construction easement over such part of the COS Property adjacent to the Easement Property for the purpose of FB constructing the New Driveway; which ends automatically with the completion of construction of the New Driveway and the return of the COS Property to its original condition by FB. Further, FB will not unreasonably interfere with the use of the COS Property during its use of this temporary easement.

2. **Reserved COS Access Easement.** FB agrees the Reserved COS Access Easement is amended to include all of the New Driveway located on the FB Property.

3. **Driveway Maintenance.** FB will, at FB's cost, will construct, and thereafter will maintain, repair and replace the New Driveway in good condition, including, but are not limited to, snow and ice removal. Notwithstanding the foregoing, if a party, or its agents, contractors, employees, invitees, tenants or licensees, causes damage to the New Driveway, then such party responsible for such damage will pay for any repairs or replacements necessary to restore or replace the damaged New Driveway.

4. **Prohibition of Parking; Limitation of Traffic.** No party, nor their respective agents, contractors, employees, invitees, tenants or licensees, is permitted to park any vehicles or store any object on the New Driveway at any time, unless with advance written consent of the other party.

5. **Assumption of Risk.** Each party assumes all risk and liability for itself and its agents, contractors, employees, invitees, tenants and licensees when using the New Driveway and the Easement Property for any injury or death to persons and damage to property.

6. **Easements and Covenants Running with the Land.** The easements, covenants, rights and agreements contained in this Agreement shall run with the land described as the FB Property and the COS Property and shall inure to the benefit of, and burden, FB and COS, and their successors and assigns. FB may not grant, convey, assign or otherwise transfer to any other person or entity any of FB's right, title, interest, liabilities or obligations under this Agreement, without COS's prior written consent, unless such transfer is part of FB's transfer of its right, title and interest in the FB Property.

8. **Entire Agreement.** This Agreement contains the entire agreement of the parties. This Agreement shall not be amended, changed, modified or any other provisions waived or discharged, in whole or in part, unless that agreement is in writing and duly signed by the parties hereto. This Agreement may be signed in counterpart originals, each of which shall constitute an original.

9. **Governing Law.** The terms and conditions of this Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

The parties hereto have executed this Agreement on the dates set forth below.

[Signatures on following pages]

EXHIBIT A
FB PROPERTY

Parcel I:

Lot Number one (1), two(2) and three (3) in the Plat of Heritage Village, in the City of Sylvania, Lucas County, Ohio, according to the Plat thereof recorded as Instrument Number 20150302-000768.

Parcel II:

Being part of Lot 4 in Heritage Village, as recorded in Lucas County Official Record 20150302-0007688, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar found at the centerline intersection of Maplewood Avenue and Main Street.

Thence North 00 degrees, 00 minutes, 00 seconds East, along the centerline of Main Street, a distance of 190.55 feet to a point on the Easterly prolongation of the North line of Lot 3 in Heritage Village.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the Easterly prolongation of the North line of Lot 3, a distance of 37.12 feet to a 1/2" galvanized steel pipe previously set on the West 37.12 foot right-of-way of Main Street, said point also being the Northeast corner of Lot 3, said point also being the True point of Beginning;

Thence continuing North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 3, a distance of 68.00 feet to a 1/2" galvanized steel pipe previously set at the Northwest corner of Lot 3;

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West line of Lots 3 and Lot 2, passing a drill hole found at a distance of 63.29 feet at the Southwest corner of Lot 3, an overall distance of 102.63 feet to a 1/2" galvanized steel pipe previously set at the Northeast corner of a parcel of land as conveyed to First Brookside, LLC, as recorded in Lucas County Official Record 20190916-0037310;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of First Brookside, LLC, a distance of 80.84 feet to a 1/2" galvanized steel pipe previously set on the North line of Lot 1;

Thence North 00 degrees, 00 minutes, 00 seconds East, along the North line of Lot 1, a distance of 39.34 feet to a drill hole found at a point of deflection of the North line of Lot 1;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 1, a distance of 47.51 feet to a 1/2 inch galvanized steel pipe set on the East line of a parcel of land as conveyed to 6632 Maplewood, LLC, as recorded in Lucas County Official Record 20180104-0000406;

Thence North 00 degrees, 00 minutes, 00 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 63.29 feet to a brass plate monument found at a point of deflection of the East line of Maplewood, LLC;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the East line of 6632 Maplewood, LLC a distance of 22.65 feet to a brass plate monument found at a point of deflection of the East line of 6632 Maplewood, LLC;

Thence North 00 degrees, 02 minutes, 31 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 12.28 feet to 1/2 inch galvanized steel pipe set;

Thence North 90 degrees, 00 minutes, 00 seconds East, a distance of 218.99 feet to a cross set in concrete drive on the West 37.12 foot Right-of-way of Main Street;

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West 37.12 foot Right-of-way of Main Street, a distance of 12.28 feet to the True Point of Beginning.

Containing 13,992.71 square feet or 0.3212 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on December 08, 2020.

EXHIBIT B

COS PROPERTY

Lot Number four (4) in the Plat of Heritage Village, in the City of Sylvania, Lucas County, Ohio, according to the Plat thereof recorded as Instrument Number 20150302-000768, excepting therefrom the following:

Parcel I:

Being part of Lot 4 in the plat of Heritage Village, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar found at the intersection of the centerlines of Maplewood, so called, and Main Street, so called;

Thence North 00 degrees, 00 minutes, 00 seconds East, along the centerline of Main Street, a distance of 81.17 feet to a point;

Thence North 90 degrees, 00 minutes, 00 seconds West, passing a drill hole found at the Southeast corner of Lot 2 in Heritage Village as recorded in Lucas County Official Record 20150302-0007688, at 37.12 feet, an overall distance of 105.12 feet to a 1/2 inch galvanized steel pipe previously set by Lewandowski Engineers for the plat of Heritage Village at the Southeast corner of Lot 4 in Heritage Village, said point being the True Point of Beginning for Parcel B;

Thence continuing North 90 degrees, 00 minutes, 00 seconds West along the South line of Lot 4 in Heritage Village, a distance of 80.84 feet to a 1/2 inch galvanized steel pipe previously set by Lewandowski Engineers for the plat of Heritage Village at the Southwest corner of Lot 4 in Heritage Village;

Thence North 00 degrees, 00 minutes, 00 seconds West along the West line of Lot 4 in Heritage Village a distance of 6.75 feet to a 1/2 inch galvanized steel pipe set on a line that is parallel and 6.75 feet distant from the South line of Lot 4 in Heritage Village;

Thence South 90 degrees, 00 minutes, 00 seconds East, along a line that is parallel and 6.75 feet distant from the South line of Lot 4, a distance of 80.84 feet to a point on the East line of Lot 4;

Thence South 00 degrees, 00 minutes, 00 seconds East along the East line of Lot 4 a distance of 6.75 feet to the True Point of Beginning.

Parcel II:

Being part of Lot 4 in Heritage Village, as recorded in Lucas County Official Record 20150302-0007688, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar found at the centerline intersection of Maplewood Avenue and Main Street.

Thence North 00 degrees, 00 minutes, 00 seconds East, along the centerline of Main Street, a distance of 190.55 feet to a point on the Easterly prolongation of the North line of Lot 3 in Heritage Village.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the Easterly prolongation of the North line of Lot 3, a distance of 37.12 feet to a 1/2" galvanized steel pipe previously set on the West 37.12 foot right-of-way of Main Street, said point also being the Northeast corner of Lot 3, said point also being the True point of Beginning;

Thence continuing North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 3, a distance of 68.00 feet to a 1/2" galvanized steel pipe previously set at the Northwest corner of Lot 3;

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West line of Lots 3 and Lot 2, passing a drill hole found at a distance of 63.29 feet at the Southwest corner of Lot 3, an overall distance of 102.63 feet to a 1/2" galvanized steel pipe previously set at the Northeast corner of a parcel of land as conveyed to First Brookside, LLC, as recorded in Lucas County Official Record 20190916-0037310;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of First Brookside, LLC, a distance of 80.84 feet to a 1/2" galvanized steel pipe previously set on the North line of Lot 1;

Thence North 00 degrees, 00 minutes, 00 seconds East, along the North line of Lot 1, a distance of 39.34 feet to a drill hole found at a point of deflection of the North line of Lot 1;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 1, a distance of 47.51 feet to a 1/2 inch galvanized steel pipe set on the East line of a parcel of land as conveyed to 6632 Maplewood, LLC, as recorded in Lucas County Official Record 20180104-0000406;

Thence North 00 degrees, 00 minutes, 00 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 63.29 feet to a brass plate monument found at a point of deflection of the East line of Maplewood, LLC;

Thence North 90 degrees, 00 minutes, 00 seconds West, along the East line of 6632 Maplewood, LLC a distance of 22.65 feet to a brass plate monument found at a point of deflection of the East line of 6632 Maplewood, LLC;

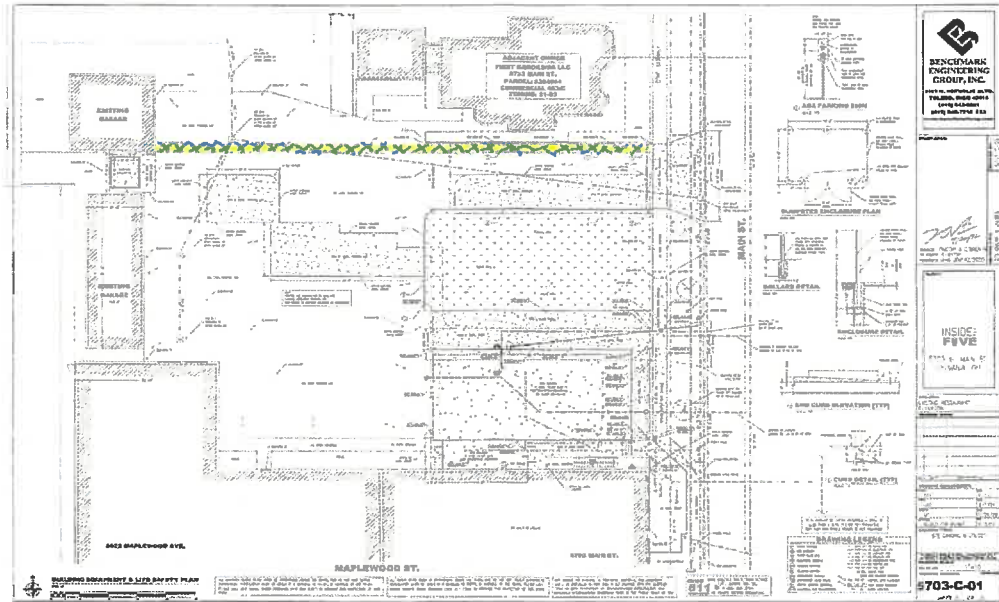
Thence North 00 degrees, 02 minutes, 31 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 12.28 feet to 1/2 inch galvanized steel pipe set;

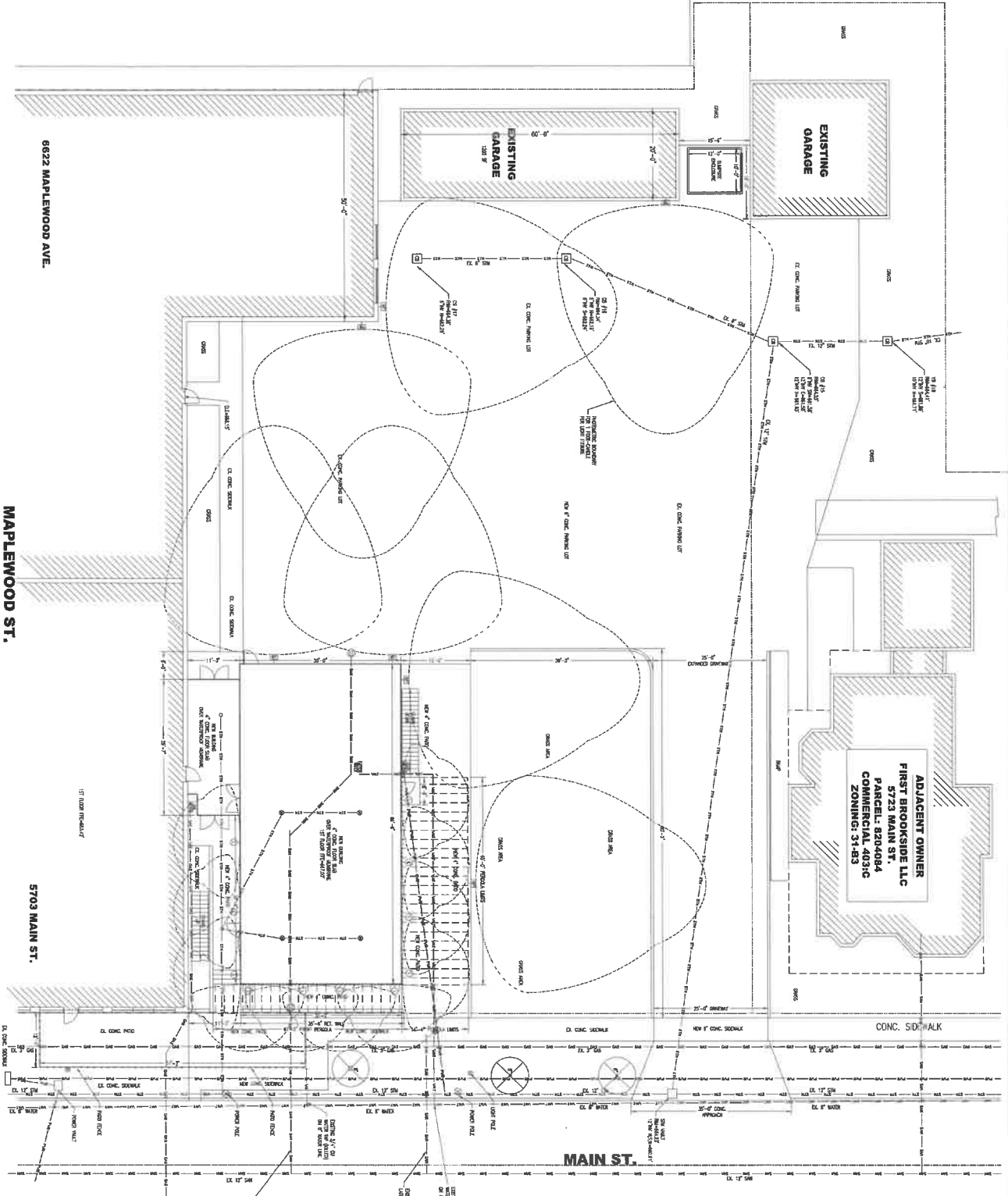
Thence North 90 degrees, 00 minutes, 00 seconds East, a distance of 218.99 feet to a cross set in concrete drive on the West 37.12 foot Right-of-way of Main Street;

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West 37.12 foot Right-of-way of Main Street, a distance of 12.28 feet to the True Point of Beginning.

Containing 13,992.71 square feet or 0.3212 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on December 08, 2020.

EXHIBIT C
EASEMENT PROPERTY





ALL SHOWN WORK MUST BE APPROVED UNDER THE JURISDICTION OF THE CITY ENGINEER. FOR MORE INFORMATION, CONTACT THE CITY ENGINEER'S OFFICE AT 5703 MAIN ST., COLUMBUS, OH 43207. PHONE: (614) 264-2300. FAX: (614) 264-2301. VISIT: www.ci.columbus.oh.us

ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS FOUND NO DISCREPANCIES. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.

FOR PURPOSES OF REMOVAL OF EXISTING STRUCTURE AND RECONSTRUCTION OF NEW BUILDING, THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS FOUND NO DISCREPANCIES. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.

OHIO ENGINEER
 811
 1-800-392-7104
 1-800-392-7104
 1-800-392-7104

DRAWING LEGEND

Symbol	Description
Circle with cross	WATER SERVICE
Circle with dot	SEWER SERVICE
Circle with horizontal lines	NATURAL GAS
Circle with vertical lines	ELECTRICAL
Circle with diagonal lines	TELEPHONE
Circle with wavy lines	CABLE TELEVISION
Circle with asterisk	OTHER UTILITIES

UTILITIES:
 ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS FOUND NO DISCREPANCIES. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.

FLOODPLAIN:
 THE PROPERTY IS LOCATED IN THE 100-YEAR FLOODPLAIN (FIRM NO. 13-01-000). THE SHOWN DATE IS 06-28-2013.

FIXTURE LEGEND

Symbol	Description
Circle with cross	WATER SERVICE
Circle with dot	SEWER SERVICE
Circle with horizontal lines	NATURAL GAS
Circle with vertical lines	ELECTRICAL
Circle with diagonal lines	TELEPHONE
Circle with wavy lines	CABLE TELEVISION
Circle with asterisk	OTHER UTILITIES

GENERAL NOTES:

- ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.
- THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND HAS FOUND NO DISCREPANCIES. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.
- FOR MORE INFORMATION, CONTACT THE CITY ENGINEER'S OFFICE AT 5703 MAIN ST., COLUMBUS, OH 43207. PHONE: (614) 264-2300. FAX: (614) 264-2301. VISIT: www.ci.columbus.oh.us

CLIENT:
 INSIDE THE FIVE
 5703 N. MAIN ST.
 SYLVANIA, OH

DESIGNER:
 TUDOR J. O'BRIEN P.E.
 P.E. NUMBER: E-65750
 EXPIRES: OHIO (03/12/2023)

DRAWING TITLE:
 SITE UTILITIES & LIGHTING

DRAWING NO.:
 5703-U-01

DATE:
 06/28/2013

VERSION:

NO.	DATE	DESCRIPTION
01	06/28/2013	ISSUED FOR ZONING
02	06/28/2013	SITE UTILITIES & LIGHTING

DRAWING NUMBER:
 5703-U-01

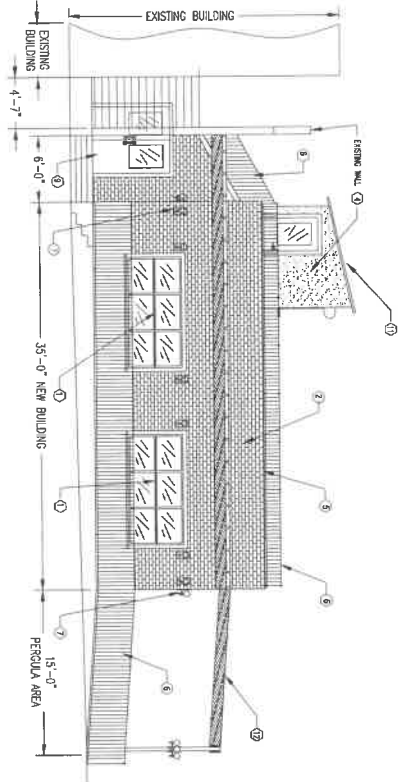
SCALE:
 1" = 10'

BENCHMARK ENGINEERING GROUP, INC.
 3161 N. REPUBLIC BLVD.
 TOLEDO, OHIO 43615
 (419) 843-2681
 (419) 843-2718 FAX
www.benchmarkeng.com

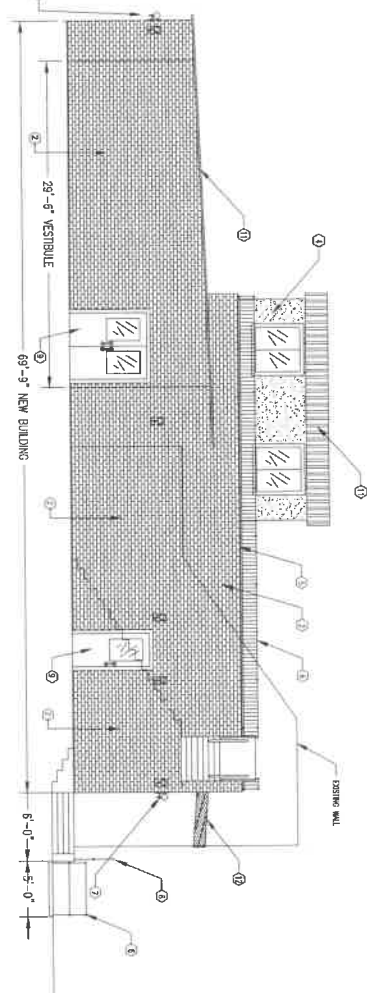


ADJACENT OWNER:
 FIRST BROOKSIDE LLC
 3723 MAIN ST.
 PARCEL 8284084
 COMMERCIAL 4031C
 ZONING: 31-83

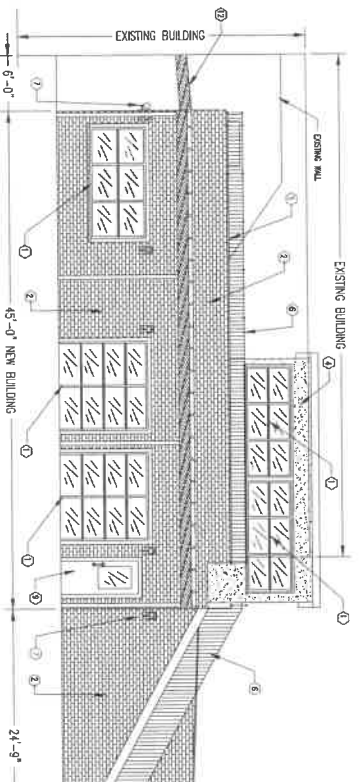
- EXTERIOR ELEVATION NOTES**
- ALUMINUM OVERHEAD DOOR WITH 1/2" INSULATED GLAZING (NON-REFLECTING DARK BRONZE FINISH)
 - ARCHITECTURAL BRICK PANEL - BRW - LAYERS BRCK - MEDIUM OR COAL
 - CLAYT BRICK - BRW - VENTURE BRCK - MEDIUM
 - STICCO BRICK - CRYSTAL TPE - SAND PEBBLE TMC - STD OR COAL
 - PROPOSED ALUMINA PANEL - DARK BRONZE - LAM CLAD OR TRIM
 - PROPOSED ALUMINA CORNER - DARK BRONZE - LAM CLAD OR TRIM
 - EXTENSION WALL SLOTTED SQUARES LOCATED AT 6'-0" AFF AT CENTER OF LIGHT
 - WALL BOX AT 4'-0" AFF - 3000 SERIES - DARK BRONZE
 - METAL HOLLOW STEEL ROOF AND FRAM - DARK BRONZE - STEEL PANEL
 - PROPOSED ALUMINA BRICK KICK - DARK BRONZE
 - METAL STRIPES SLAT ROOF PANELS - DARK BRONZE
 - FRAMED WOOD TERRAZZO DOORS



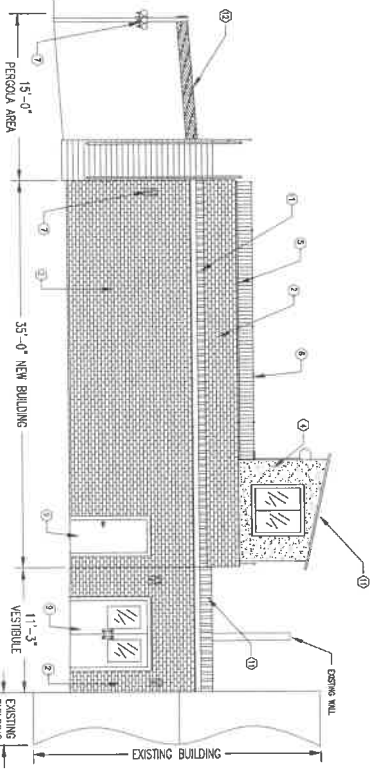
B P



ELEVATION - SOUTH
SCALE: 1X



ELEVATION - NORTH
SCALE: 1X



ELEVATION - WEST
SCALE: 1X

BENCHMARK
ENGINEERING GROUP, INC.
3161 N. REPUBLIC BLVD.
TOLEDO, OHIO 43621
(419) 843-2891
(419) 843-7218 FAX
www.benchmarkeng.com

TRAMP AREA
DRAWING NO: 1328-A-06

INSIDE FIVE
5703 N. MAIN ST.
SYLVANIA, OH

CLIENT
PROJECT: TRAMPT J. O'BRIEN P
RE: MAJOR E-5750
RESURF. OHIO (3P/12/2023)

DRAWING TITLE:
EXTERIOR ELEVATIONS

PROJECTIONS:
NEW BUILDING FOR
EXISTING RESTAURANT EXPANSION
DRAWING ISSUE

NO.	DATE	DESCRIPTION
1	5.11.21	DRAWING MAINTENANCE
2	6.11.21	REVISED
3	2.16.23	ISSUED FOR PERMIT
4	2.16.23	DRAWING UTILITY

EXTERIOR ELEVATIONS

DRAWING SCALE: 1/8" = 1'-0"
DRAWING NUMBER: 1328-A-06
YEAR: 2023
SHEET 7 OF 19

ORDINANCE NO. 71-2023

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A PATIO EASEMENT AGREEMENT WITH FIRST BROOKSIDE, LLC ON BEHALF OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 8-2017, passed January 17, 2017, approved the Offer to Purchase of Midland Agency of Northwest Ohio, Inc. to purchase the City's real estate known as the Maplewood Marketplace, 5703 Main St. at a sales price of \$1,100,000; and,

WHEREAS, during the diligence period, some issues were identified that needed to be repaired, and in lieu of the City making the repairs, the Buyer has requested that credits equal to the repair cost be given off the purchase price and the Buyer will make the necessary repairs and improvements; and,

WHEREAS, Ordinance No. 43-2017, passed May 15, 2017, authorized the Mayor and Director of Finance to enter into a Third Amendment to Real Estate Purchase Agreement to purchase said real estate known as the Maplewood Marketplace, 5703 Main St., from the City of Sylvania for a total purchase price of One Million Fifty-Nine Thousand Four Hundred Fifty-Four Dollars (\$1,059,454.00); and,

WHEREAS, the closing on the sale of the property was held on May 17, 2017 and since that time, the owners of the property have been finalizing their plans for the property and building which include incorporating some of the City's property adjacent to the Maplewood Marketplace; and,

WHEREAS, Ordinance No. 51-2019, passed June 3, 2019, approved the Offer to Purchase of First Brookside, LLC to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.00; and,

WHEREAS, Ordinance No. 48-2020, passed August 17, 2020, approved the Offer to Purchase of First Brookside, LLC to purchase 5705 and 5711 North Main Street, Sylvania, Ohio at a sale price of \$200,000; and,

WHEREAS, during the diligence period, a survey issue was identified relative to a gap parcel at the easterly boundary line of the property, and in lieu of waiting until that issue can be resolved by either a quiet title action or obtaining deeds from the prior owners' heirs, the Buyer has proposed that they will accept the title to the property "as is" and assume the responsibility for the quiet title action in exchange for a \$20,000 credit on the purchase price; and,

WHEREAS, Ordinance No. 30-2021, passed April 5, 2021, approved the Third Amendment to the Real Estate Purchase Agreement of First Brookside, LLC to purchase the City's real estate located at 5705 and 5711 North Main Street for a total purchase price of \$180,000; and,

WHEREAS, the City closed on the sale of the duplexes on April 22, 2021; and,

WHEREAS, First Brookside, LLC has now completed and received all necessary approvals for the expansion of Inside the Five and as part of their expansion, an expanded outdoor patio and related improvements; and,

WHEREAS, in order to construct, use and maintain the proposed expanded patio, it is necessary for the City to grant an easement to First Brookside, LLC, a copy of which is attached hereto as "Exhibit A."

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

SECTION 1. That the Patio Easement Agreement attached hereto as "Exhibit A" is hereby approved and the Mayor and Director of Finance are hereby authorized to sign, on behalf of the City said Patio Easement 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 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, Sections 11 and 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 City should proceed with the purchase of this property forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

ATTEST:

President of Council

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

PATIO EASEMENT AGREEMENT

THIS PATIO EASEMENT AGREEMENT (this "Agreement") is entered into between the **CITY OF SYLVANIA**, an Ohio municipal corporation, of 6730 Monroe Street, Suite 203, Sylvania, Ohio 43560 ("Grantor") and **FIRST BROOKSIDE, LLC**, an Ohio limited liability company, of 6604 Maplewood Avenue, Sylvania, Ohio 43560 ("Grantee") effective on the latest date set forth below (the "Effective Date").

RECITALS; WHEREAS:

A. Grantor is the fee simple owner of the real property immediately adjacent to the easterly boundary of the Grantee Property (herein defined) (the "Grantor Property");

B. Grantee is the fee simple owner of real property legally described on **Exhibit A** attached hereto and made a part hereof (the "Grantee Property") that includes and will include an outdoor patio and related improvements (the "Patio");

C. Grantor desires to grant an easement to Grantee over and across portions of the Grantor Property for the construction, use, maintenance, repair and replacement of the Patio graphically depicted as the approximate twelve foot wide (measured east to west) by sixty foot (60') long rectangular parcel of land graphically depicted on **Exhibit B** attached hereto and made a part hereof (the "Easement Property");

D. The parties desire that their rights and obligations with respect to the easement in, over and across Grantor's Property be specifically set forth and defined.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, and for other good and valuable consideration paid and received, the parties, intending to be legally bound, agree the above recitals are incorporated herein by reference and as follows:

1. **Grant of Easement.** Grantor grants and conveys to Grantee, its successors and assigns, an exclusive, perpetual easement in, on, over and across the Easement Property for the purpose of constructing, using, maintaining, repairing and replacing the Patio in connection with the business conducted or to be conducted on the Grantee Property and Patio for the benefit of Grantee, its agents, contractors, employees, tenants, customers, guests, licensees and invitees (collectively, the "Users") (the "Patio Easement").

2. **Temporary Construction Easement.** To the extent necessary for the purposes of this Agreement, Grantor grants and conveys to Grantee, its successors, assigns and contractors, a temporary easement, including the right of ingress and egress, from time to time, in, under, across, through and over those portions of the Grantor Property adjacent to the

Easement Property as reasonably necessary to construct, maintain, repair and replace any part of the Patio (the "Temporary Construction Easement"). Any use of the Temporary Construction Easement will be performed with the least amount of interference with the Grantor Property as reasonably possible and with notice and coordination with Grantor. The Patio Easement and the Temporary Construction Easement are collectively referred to herein as the "Easements."

3. **Assumption of Risk.** Grantee assumes all risk and liability for itself and its agents, contractors, employees, invitees, tenants and licensees when using the Easement Property as to any injury or death to persons and damage to property.

4. **Easements and Covenants Running with the Land.** The Easements, covenants, rights and agreements contained in this Agreement shall run with the land known as the Grantor Property and Grantee Property, respectively, and shall be binding on and inure to the benefit of Grantor Property and Grantee Property, and each portion of each Property, as provided in this Agreement. Grantee may not grant, convey, assign or otherwise transfer to any other person or entity any of Grantee's right, title or interest in the Easement Property or its liabilities or obligations under this Agreement, unless such transfer is part of their transfer of all of its right, title and interest in the Grantee Property adjacent to the Easement Property. The covenants, easements and agreements contained in this Agreement shall be binding upon and inure to the benefit of Grantor and Grantee, their respective successors and assigns.

5. **Entire Agreement.** This Agreement contains the entire agreement of the parties as to the Patio and the Easement Property. This Agreement shall not be assigned, amended, changed, modified or any other provisions waived or discharged, in whole or in part, unless that agreement is in writing and duly signed by the parties hereto. This Agreement may be signed in counterpart originals, each of which shall constitute an original.

6. **Governing Law.** The terms and conditions of this Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

[Signature Pages Follow]

GRANTEE:
FIRST BROOKSIDE, LLC

By: _____

Title: _____

Date: _____

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, as _____ of First Brookside, LLC, an Ohio limited liability company, for and on behalf of the company.

Notary Public
My Commission Expires: _____

**GRANTOR:
CITY OF SYLVANIA**

By: _____

Title: _____

Date: _____

Approved as to form:

Leslie Brinning, Law Director

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, as _____ of the City of Sylvania, an Ohio municipal corporation, for and on behalf of the corporation.

Notary Public
My Commission Expires: _____

This Instrument Prepared By:
Steven D. Reinbolt, Attorney-at-Law
EASTMAN & SMITH LTD.
P.O. Box 10032
Toledo, Ohio 43604

EXHIBIT A

GRANTEE PROPERTY

Parcel 1:

Lot Numbers One (1), Two (2) and Three (3) in the Plat of Heritage Village, in the City of Sylvania, Lucas County, Ohio, according to Plat recorded as Instrument Number 20150302-000768.

Tax Parcel Numbers: 82-94081 (Lot 1), 82-94082 (Lot 2) and 82-94083 (Lot 3).

Parcel 2:

Being part of Lot 4 in Heritage Village, as recorded in Lucas County Official Record 20150302-0007688, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar found at the centerline intersection of Maplewood Avenue and Main Street.

Thence North 00 degrees, 00 minutes, 00 seconds East, along the centerline of Main Street, a distance of 190.55 feet to a point on the Easterly prolongation of the North line of Lot 3 in Heritage Village.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the Easterly prolongation of the North line of Lot 3, a distance of 37.12 feet to a 1/2" galvanized steel pipe previously set on the West 37.12 foot Right-of-way of Main Street, said point also being the Northeast corner of Lot 3, said point also being the True Point of Beginning.

Thence continuing North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 3, a distance of 68.00 feet to a 1/2" galvanized steel pipe previously set at the Northwest corner of Lot 3.

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West line of Lots 3 and Lot 2, passing a drill hole found at a distance of 63.29 feet at the Southwest corner of Lot 3, an overall distance of 102.63 feet to a 1/2" galvanized steel pipe previously set at the Northeast corner of a parcel of land as conveyed to First Brookside, LLC, as recorded in Lucas County Official Record 20190916-0037310.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of First Brookside, LLC, a distance of 80.84 feet to a 1/2" galvanized steel pipe previously set on the North line of Lot 1.

Thence North 00 degrees, 00 minutes, 00 seconds East, along the North line of Lot 1, a distance of 39.34 feet to a drill hole found at a point of deflection of the North line of Lot 1.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of Lot 1, a distance of 47.51 feet to a 1/2 inch galvanized steel pipe set on the East line of a parcel of land as conveyed to 6632 Maplewood, LLC, as recorded in Lucas County Official Record 20180104-0000406.

Thence North 00 degrees, 00 minutes, 00 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 63.29 feet to a brass plate monument found at a point of deflection of the East line of Maplewood, LLC.

Thence North 90 degrees, 00 minutes, 00 seconds West, along the East line of 6632 Maplewood, LLC, a distance of 22.65 feet to a brass plate monument found at a point of deflection of the East line of 6632 Maplewood, LLC.

Thence North 00 degrees, 02 minutes, 31 seconds East, along the East line of 6632 Maplewood, LLC, a distance of 12.28 feet to 1/2 inch galvanized steel pipe set.

Thence North 90 degrees, 00 minutes, 00 seconds East, a distance of 218.99 feet to a cross set in concrete drive on the West 37.12 foot Right-of-way of Main Street.

Thence South 00 degrees, 00 minutes, 00 seconds East, along the West 37.12 foot Right-of-way of Main Street, a distance of 12.28 feet to the True Point of Beginning.

Containing 13,992.71 square feet or 0.3212 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on December 08, 2020.

Tax Parcel Nos. 82-94084 and 82-03501

Parcel 3:

Being part of the Northwest Quarter of Section 10, Town 9 South, Range 6 East, in the City of Sylvania, Lucas County, Ohio, bounded and described as follows:

Commencing at an iron bar monument found at the intersection of the centerline of Main Street and Maplewood Avenue.

Thence South 89 degrees, 56 minutes, 28 seconds West, along the centerline of Maplewood Avenue, formerly known as Indiana and Plank Road, a distance of 239.99 feet to a point.

Thence North 00 degrees, 00 minutes, 22 seconds West, a distance of 30.00 feet to a 1/2 inch galvanized steel pipe set on the Northerly 30.00 foot Right-of-way of Maplewood Avenue, formerly known as Indiana and Plank Road, said point also being 206 feet from the East Right-of-way of the former Toledo-Michigan Southern Railroad, said point also being the Southeast corner of a parcel of land as conveyed to 6632 Maplewood, LLC, as recorded in Lucas County Official Record 20180104-0000406, said line also being the Easterly line of a parcel of land as conveyed to Hixon Lumber as recorded in Lucas County Deed Volume 390 Page 449, said point also being the True Point of Beginning.

Course 1: Thence North 00 degrees, 00 minutes, 00 seconds West, along the Easterly line of 6632 Maplewood LLC, said line also being the Easterly line of Hixon Lumber, a distance of 160.79 feet to a 1/2 inch galvanized steel pipe set on the Westerly line of the Plat of Heritage Village as recorded in Lucas County Official Record 20150302-0007688, said line also being the Westerly line, of a parcel of land as conveyed to the City of Sylvania, as recorded in Lucas County Official Record 20170525-0021621.

Course 2: Thence North 90 degrees, 00 minutes, 00 seconds East, along the Westerly line of the Plat of Heritage Village, said line also being the Westerly line of a parcel of land as conveyed to the City of Sylvania, a distance of 6.51 feet to a brass plate monument found at a point of deflection of the Westerly line of the Plat of Heritage Village and the Westerly line of a parcel of land as conveyed to the City of Sylvania.

Course 3: Thence South 00 degrees, 00 minutes, 00 seconds East, along the Westerly line of the Plat of Heritage Village, said line also being the Westerly line of a parcel of land as conveyed to the City of Sylvania and its Southerly prolongation, a distance of 65.06 feet to a 1/2 inch galvanized steel pipe previously set at a point of deflection of the Westerly line of the Plat of Heritage Village, said point also being on the Northerly line of a parcel of land as conveyed to First Brookside, LLC, as recorded in Lucas County Official Record 20170525-0021620.

Course 4: Thence North 89 degrees, 57 minutes, 34 seconds West, along the Westerly line of the Plat of Heritage Village, said line also being the Northerly line of First Brookside, LLC, a distance of 4.05 feet to a 1/2 inch galvanized steel pipe previously set at a point of deflection of the Westerly line of the Plat of Heritage Village, said point also being the Northwest corner of First Brookside, LLC.

Course 5: Thence South 00 degrees, 00 minutes, 22 seconds East, along the Westerly line of the Plat of Heritage Village, said line also being the Westerly line of First Brookside, LLC, a distance of 95.74 feet to

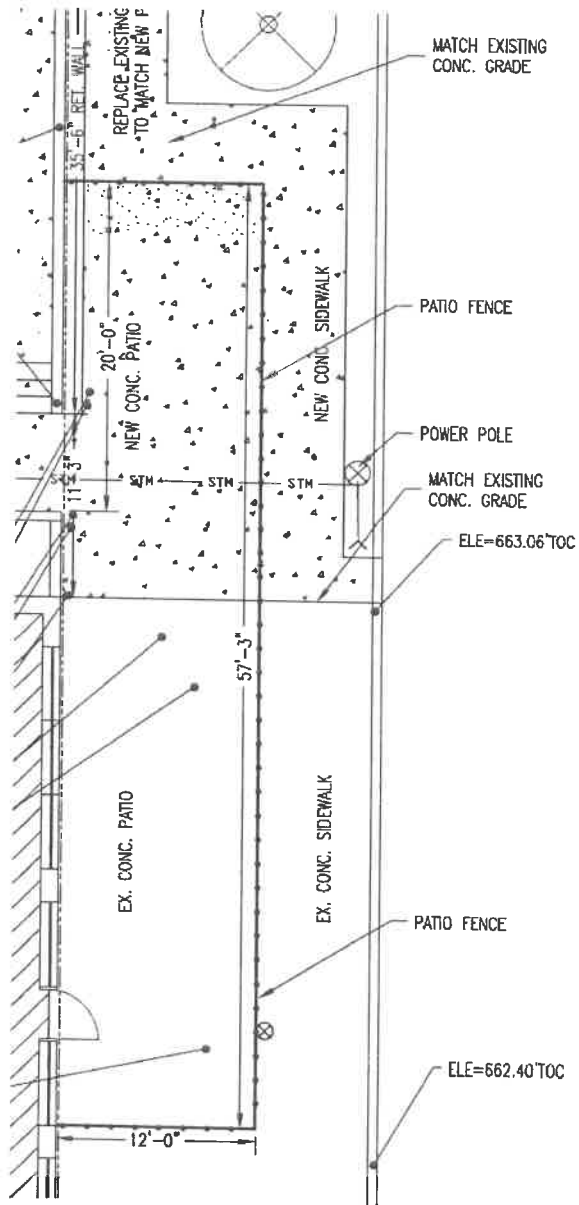
a brass plate monument found on the Northerly 30.00 foot Right-of-way of Maplewood Avenue, formerly known as Indiana and Plank Road, said point also being the Southwest corner of the Plat of Heritage Village.

Course 6: Thence South 89 degrees, 56 minutes, 28 seconds West, along the Northerly 30.00 foot Right-of-way of Maplewood Avenue, formerly known as Indiana and Plank Road, a distance of 2.47 feet to the True Point of Beginning.

Containing 659.93 square feet or 0.0151 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on April 23, 2021.

EXHIBIT B

EASEMENT PROPERTY



ORDINANCE NO. 72-2023**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH FIRST BROOKSIDE, LLC ON BEHALF OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 8-2017, passed January 17, 2017, approved the Offer to Purchase of Midland Agency of Northwest Ohio, Inc. to purchase the City's real estate known as the Maplewood Marketplace, 5703 Main St. at a sales price of \$1,100,000; and,

WHEREAS, during the diligence period, some issues were identified that needed to be repaired, and in lieu of the City making the repairs, the Buyer has requested that credits equal to the repair cost be given off the purchase price and the Buyer will make the necessary repairs and improvements; and,

WHEREAS, Ordinance No. 43-2017, passed May 15, 2017, authorized the Mayor and Director of Finance to enter into a Third Amendment to Real Estate Purchase Agreement to purchase said real estate known as the Maplewood Marketplace, 5703 Main St., from the City of Sylvania for a total purchase price of One Million Fifty-Nine Thousand Four Hundred Fifty-Four Dollars (\$1,059,454.00); and,

WHEREAS, the closing on the sale of the property was held on May 17, 2017 and since that time, the owners of the property have been finalizing their plans for the property and building which include incorporating some of the City's property adjacent to the Maplewood Marketplace; and,

WHEREAS, Ordinance No. 51-2019, passed June 3, 2019, approved the Offer to Purchase of First Brookside, LLC to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.00; and,

WHEREAS, Ordinance No. 48-2020, passed August 17, 2020, approved the Offer to Purchase of First Brookside, LLC to purchase 5705 and 5711 North Main Street, Sylvania, Ohio at a sale price of \$200,000; and,

WHEREAS, during the diligence period, a survey issue was identified relative to a gap parcel at the easterly boundary line of the property, and in lieu of waiting until that issue can be resolved by either a quiet title action or obtaining deeds from the prior owners' heirs, the Buyer has proposed that they will accept the title to the property "as is" and assume the responsibility for the quiet title action in exchange for a \$20,000 credit on the purchase price; and,

WHEREAS, Ordinance No. 30-2021, passed April 5, 2021, approved the Third Amendment to the Real Estate Purchase Agreement of First Brookside, LLC to purchase the City's real estate located at 5705 and 5711 North Main Street for a total purchase price of \$180,000; and,

WHEREAS, attached to said Purchase Agreement was a Development Agreement which provided for the demolition of the existing duplexes and construction of an addition to the Purchaser's Business adjacent to the Property to be completed on or before September 30, 2022; and,

WHEREAS, the City closed on the sale of the duplexes on April 22, 2021; and,

WHEREAS, Ordinance No. 84-2022, passed by Sylvania City Council on September 19, 2022, authorized the Mayor and Director of Finance to enter into an Amended and Restated Development Agreement on behalf of the City of Sylvania with First Brookside, LLC for the property located at 5705-5711 North Main Street and extended the Commencement Date to June 30, 2023 and the Completion Date to June 1, 2025; and,

WHEREAS, due to unforeseen delays in obtaining necessary approvals from Lucas County, First Brookside, LLC is requesting that the Commencement Date be extended to

September 30, 2023 and the Completion Date be extended to August 1, 2025 as they have now completed and received all necessary approvals for the expansion of Inside the Five and are able to proceed with their improvements; and,

WHEREAS, a copy of the proposed First Amendment to the Amended and Restated Development Agreement is attached hereto as "Exhibit A."

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

SECTION 1. That the First Amendment to the Amended and Restated Development Agreement attached hereto as "Exhibit A" is hereby approved and the Mayor and Director of Finance are hereby authorized to sign said Agreement on behalf of the City.

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 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, Sections 11 and 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 Amendment extending the Commencement Date and Completion Date should be approved forthwith. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2023, as an emergency measure.

ATTEST:

President of Council

Clerk of Council
APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

**FIRST AMENDMENT TO
THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

This First Amendment (“Amendment”) to the Amended and Restated Development Agreement last dated September 19, 2022 is entered into between the **CITY OF SYLVANIA, OHIO**, (“the City”) a municipal corporation organized under the laws of the State of Ohio and its Charter and **FIRST BROOKSIDE, LLC**, an Ohio limited liability (the “Developer”), effective as of the latest date set forth below (the “Effective Date”). The terms and conditions of this First Amendment shall govern and prevail over any different or conflicting terms and conditions of the Amended and Restated Development Agreement.

RECITALS; WHEREAS:

A. The Amended and Restated Development Agreement approved by Sylvania City Council on September 19, 2022 required the Developer to begin parking improvements or the future buildings on or before June 30, 2023 (“Commencement Date”) and also required the improvements to be complete on or before June 1, 2025 (“Completion Date”); and,

B. Developer has requested an extension of the Commencement Date to September 30, 2023 and an extension of the Completion Date to August 1, 2025 due to unforeseen delays in receiving required plan approvals from Lucas County.

C. The parties desire to enter into this Agreement to memorialize their mutual understandings with respect to these matters.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the foregoing recitals are incorporated herein and as follows:

1. The “Commencement Date” shall be September 30, 2023 and the “Completion Date” shall be August 1, 2025.
2. All other terms of the Amended and Restated Development Agreement approved by Sylvania City Council on September 19, 2022 remain in full force and effect.

[Signatures on following pages]

CITY OF SYLVANIA, OHIO,
a municipal corporation organized under
the laws of the State of Ohio

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved as to form:

By: _____
Leslie B. Brinning, Director of Law

Date: _____

FIRST BROOKSIDE, LLC,
an Ohio limited liability company

By: _____
Brandon Fields, Manager

Date: _____

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

[to be provided]



14

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

August 21, 2023

To: The Mayor and Members of Sylvania City Council

Re: **Large Diameter Sanitary Sewer Lining Project (Phase 3) & South Main Street Sanitary Sewer Rehabilitation**

Dear Mr. Mayor and Council Members:

The bidding documents for the above referenced projects are complete. The Service Department will be rehabilitating a portion of our large diameter gravity sewer system upstream from the Monroe Street Pumping Station. Specifically, we plan to cast-in-place-pipe (CIPP) line over 2,100 feet of 30" and 36" sanitary sewer located in Harroun Park adjacent to Tenmile Creek between Main Street and Harroun Road. A 12" creek crossing from the 1950's will also be lined near SOMO Flats. In addition, just over 60 vertical feet of manholes will be spray-lined using a polymeric system.

The South Main Street Sanitary Sewer Rehabilitation project will also include CIPP lining of over 2,800 feet of 10" and 12" sanitary sewer in Main Street from Tenmile Creek to Main Street Circle. The service laterals within the right-of-way will be rehabilitated by a combination of CIPP lining and open cut replacement. All sewer work requiring open cut excavation will be completed in the spring ahead of the roadway reconstruction project scheduled for summer 2024. Over 230 vertical feet of manholes will also be lined in this project.

The estimated construction cost of both projects is \$1,723,629 and the City has secured \$507,150 in Ohio Public Works Commission (OPWC) grant assistance. The remaining \$1,216,479 will be financed with an Ohio Water Development Authority (OWDA) loan over a 20-year period (approximate loan rate is 3.91%).

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

Sincerely,

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

RESOLUTION NO. 8-2023

RE-APPOINTING WILLIAM D. SANFORD TO THE SYLVANIA JEDD I BOARD OF DIRECTORS FOR A TERM OF FOUR YEARS; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 33-2020, passed by Sylvania City Council on May 18, 2020, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Township Trustees of Sylvania Township, Lucas County, Ohio, to create a Joint Economic Development District located in a portion of Sylvania Township; and,

WHEREAS, Ordinance No. 15-2020, passed by Sylvania City Council on June 15, 2020, appointed William D. Sanford as the City of Sylvania’s representative to the Sylvania JEDD I Board of Directors; and,

WHEREAS, Mr. Sanford’s will serve as the City of Sylvania’s representative and his term will expire on _____, 2025.

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

SECTION 1. That William D. Sanford is hereby appointed to the Sylvania JEDD I Board of Directors for a term expiring December 31, 2025.

SECTION 2. That the Clerk of Council be, and she hereby is, directed to certify a copy of this Resolution to the Sylvania JEDD I Board of Directors.

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

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

SECTION 5. That this Resolution 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 reason that the City should make its appointment to the Sylvania JEDD I Board of Directors so that said Board will be fully constituted at the earliest possible time. Provided this Resolution 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, _____, 2023 as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law



16

DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

Memo

To: The Mayor and City Council

From: Kevin G. Aller, Director of Public Safety/Service

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

Date: 08/21/2023

Re: Obsolete Equipment

Council Members,

The following items are no longer of use in our City operations:

Streets #71	2009 Ford F250 Vin# 1FTSW2A5XAEA02436
Parks #55	2003 F650 Vin# 3FONF65573MB01450
Sewer #26	2000 Ford E350 cutaway van Vin# 1FDSE35L6YHB93682

We would request approval to dispose of the items by posting them for sale on the GovDeals website. Should we not receive any bids to purchase the items we will dispose of them either through scrap value and/or landfill disposal.

Please call if you have any questions. Thank you.

A

Board of Architectural Review

Minutes of the regular meeting of August 16, 2023. Mr. Schaaf called the meeting to order.

Acting Secretary, Tim Burns, took the roll call. Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Ken Marciniak and Jeff Schaaf (5) present.

Ms. Fischer moved, Mr. Marciniak seconded to approve the Minutes of the July 12, 2023, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Building Review – app. no. 22-2023 requested by Elias Georgakopolous for Georgakopolous Building, 6469, 6475 & 6481 Monroe Street, Sylvania, Ohio 43560. Application is for an exterior renovation.

Mr. Georgakopolous was present and presented samples of the materials/colors that will be used on the building.

Paint - Sherwin Williams 9165 (Gossemer Veil).

Brick - Belden Brick, St. Anne Blend (jumbo).

Mr. Georgakopolous said that they were trying to closely match the buildings in the area.

Mr. Marciniak moved, Ms. Lindhuber seconded, to approve the design shown in the drawings submitted with the application and the materials/colors presented and discussed at the meeting. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 4 – Building Review – app. no. 23-2023 requested by Dave Brink of Allen Industries for Belle Tire, 5832 Monroe Street, Sylvania, Ohio 43560. Application is for an exterior building renovation.

Mr. Quentin Jeffries of Belle Tire was present with Mr. Brink and said that no changes will be made to the building, other than paint colors.

Ms. Fischer moved, Mr. Marciniak seconded, to approve the design shown in the drawings submitted with the application. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 5 – Regulated Sign – app. no. 24-2023 requested by Dave Brink of Allen Industries for Belle Tire, 5832 Monroe Street, Sylvania, Ohio 43560. Application is for two new wall signs, a replacement pylon sign in an existing pole sign, new monument sign to replace an existing pole sign and two new window signs.

Mr. Jeffries and Mr. Brink were present.

Board of Architectural Review
Minutes of August 16, 2023
Page 2

Mr. Burns explained that the existing signs are being replaced with like signs, with the exception of an existing pole sign, which will be replaced with a monument sign. Signs are within the limits of the Sylvania Sign Code.

Mr. Marciniak moved, Ms. Lindhuber seconded, to approve the signs shown in the drawing submitted with the application. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Ms. Lindhuber moved, Ms. Fischer seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Timothy Burns, Acting Secretary
Municipal Planning Commission

B

Sylvania Municipal Planning Commission

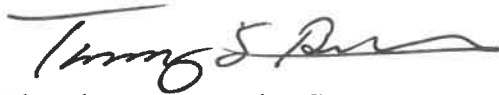
Minutes of the regular meeting of August 16, 2023. Mr. Schaaf called the meeting to order.

Acting Secretary, Tim Burns, took the roll call. Members present: Mayor Craig Stough, Kate Fischer, Carol Lindhuber, Ken Marciniak and Jeff Schaaf (5) present.

Ms. Lindhuber moved, Ms. Fischer seconded to approve the Minutes of the July 12, 2023, meeting as submitted. Vote being: Stough, Lindhuber, Fischer, Marciniak and Schaaf (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Ms. Fischer moved, Ms. Lindhuber seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Timothy Burns, Acting Secretary
Municipal Planning Commission