

Sylvania City Council
September 8, 2020

6:30 p.m. Utilities & Environment Committee
Water/Sewer Rates, Investing in Solar Energy, Elden Ditch Drainage

7:30 p.m. Council Meeting
Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mr. McCann, Mr. Richardson, Ms. Stough, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. McCann.
3. Additions to the agenda.
4. Approval of the regular council meeting minutes of August 17, 2020.
5. Proposed Resolution No. 17-2020, Resolution of Council supporting the five-year, 0.42-mill Renewal Levy for the Sylvania Senior Center.
6. Cushman Road Improvement Project – Temporary Easements.
 - a. Service Director's report on temporary easements for project.
 - b. Proposed Ordinance No. 58-2020, Accepting a temporary construction easement from Michael J. Murdock for the improvement of Cushman Road.
 - c. Proposed Ordinance No. 59-2020, Accepting a temporary construction easement from Michael J. Murdock for the improvement of Cushman Road.
 - d. Proposed Ordinance No. 60-2020, Accepting a temporary construction easement from Marvin & Kathy J. Krohn for the improvement of Cushman Road.
 - e. Proposed Ordinance No. 61-2020, Accepting a temporary construction easement from Sharon A. Duvall & Larry Duvall for the improvement of Cushman Road.
 - f. Proposed Ordinance No. 62-2020, Accepting a temporary construction easement from Bradley D. Szutienko and Michele Fry for the improvement of Cushman Road.
7. Cushman Road Improvements Project – Work Agreements.
 - a. Service Director's report on work agreements.
 - b. Proposed Ordinance No. 63-2020, Authorizing to enter into a work agreement for tree removal with Michael E. VanZile and Carol J. DeGroff-VanZile relative to the Cushman Road Improvements.

- c. Proposed Ordinance No. 64-2020, Authorizing to enter into a work agreement for tree removal with Julie A. Adams relative to the Cushman Road Improvements.
- d. Proposed Ordinance No. 65-2020, Authorizing to enter into a work agreement for tree removal with from Kirk B. Donnelly relative to the Cushman Road Improvements.
- 8. Confirmation of Mayor's appointment of Victoria Diesing to the Sylvania Tree Commission.
- 9. Approval of items to be offered for auction on GovDeals.com.
- 10. Committee reports.
 - a. Utilities & Environment Committee meeting held on this date.
 - 1. Proposed Ordinance No. 55-2020, Amending the Codified Ordinance of Sylvania, 1979, as amended, by decreasing water service charges per one thousand gallons from \$8.74 to \$8.41 for city users and from \$10.93 to \$10.51 for non-city users. (to be distributed prior to meeting)
 - 2. Proposed Ordinance No. 56-2020, Amending Chapter 925 of the Sylvania Codified Ordinances by amending Section 925.06-Sewer Charges levied to increase the sewer charges for both industrial and non-industrial city and non-city users. (to be distributed prior to meeting)
- 11. Committee referrals.

INFORMATION

- A. 2021 Budget Schedule.

Minutes of the Meeting of Council
August 17, 2020

The Council of the City of Sylvania, Ohio met in regular session on August 17, 2020 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Brian McCann, Patrick Richardson, Lyndsey Stough, Mary Westphal; (7) present; (0) absent.

Roll call:
All present.

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

Pledge of
Allegiance.

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

The following items were added to the agenda:

15. Discussion of Logo apparel and flag.

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

Agenda
approval.

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

Mrs. Westphal presented the July 20, 2020 meeting minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of July 20, 2020 be approved; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
July 20 meeting
minutes.

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

Mrs. Westphal reported on the public hearing held on this date on ZA-1-2020, from South Briar, LLC (David Schmitt), for property located at 5111 & 5123 Main Street, Sylvania, Ohio from Zoning classification R-1 to B-2 and R-3. Mrs. Westphal stated the applicant requested to continue this hearing. Council stated the hearing will be continued until September 21, 2020 at 7:00p.m.

Public Hearing
report:
ZA-1-2020,
continued to
9/21/20.

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

Ms. Stough presented and read aloud by title only, proposed Ordinance No. 48-2020, a written copy of same having been previously furnished to each member of Council, "Approving the offer to purchase of First Brookside, LLC to purchase 5705 and 5711 North Main Street, Sylvania, Ohio at a sale price of \$200,000.00; authorizing the Mayor and the Director of Finance to accept said offer to purchase on behalf of the City of Sylvania; determining said real estate to be no longer needed for municipal

Ordinance No.
48-2020,
"Approving
...sale of 5705
& 5711 N. Main
St...."

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purposes; and declaring an emergency.” Ms. Stough moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ms. Stough moved, Mr. Richardson seconded, that Ordinance No. 48-2020 be enacted as an emergency measure as declared therein; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

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

Mr. Frye presented and read aloud by title only, proposed Ordinance No. 57-2020, a written copy of same having been previously furnished to each member of Council, “Granting a license to Yee Properties, LLC to enter a portion of City owned right-of-way to install and maintain a patio; authorizing the Mayor and Director of Finance to sign the license agreement; and declaring an emergency.”; Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Ordinance No. 57-2020, “Granting Yee Prop., LLC to enter City ROW...patio ...”

Mr. Frye moved, Ms. Stough seconded, that Ordinance No. 57-2020 be enacted as an emergency measure as declared therein; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

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

Claire Proctor, Executive Director of the Sylvania Community Services provided information regarding the Senior Center levy being placed on the November ballot. She stated this is a renewal of the current levy for 0.42 mills, for 5 years. This levy costs a \$100,000 home value - \$11.37 per year.

Senior Center levy renewal presentation.

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

Service Director’s report on the Cushman Road Improvements project was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 49-2020, a written copy of same having been previously furnished to each member of Council, “Accepting a temporary construction easement from Howard R. and Carolyn L. Brown for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency”;

Ordinance No. 49-2020, “Temp easement.... Cushman

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Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Rd...Howard & Carolyn Brown..."

Mr. Frye moved, Mr. Haynam seconded, that Ordinance No. 49-2020 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Mr. McCann presented and read aloud by title only, proposed Ordinance No. 50-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Howard R. and Carolyn L. Brown for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. McCann moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 50-2020, "Temp easement.... Cushman Rd...Howard & Carolyn Brown..."

Mr. McCann moved, Mrs. Westphal seconded, that Ordinance No. 50-2020 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Mr. Richardson presented and read aloud by title only, proposed Ordinance No. 51-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Jason W. Nowicki for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No. 51-2020, "Temp easement.... Cushman Rd...Jason Nowicki..."

Mr. Richardson moved, Ms. Stough seconded, that Ordinance No. 51-2020 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

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Mr. Haynam presented and read aloud by title only, proposed Ordinance No. 52-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Gary Romp for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Ordinance No.
52-2020,
"Temp
easement....
Cushman
Rd...Gary
Romp..."

Mr. Haynam moved, Ms. Stough seconded, that Ordinance No. 52-2020 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, McCann, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 53-2020, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Graham Scott for the improvement of Cushman Road; dedicating the temporary easement for public purposes; appropriating funds therefore; and declaring an emergency"; Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, McCann, Richardson, Stough, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No.
53-2020,
"Temp
easement....
Cushman
Rd...Graham
Scott..."

Mrs. Cappellini moved, Ms. Stough seconded, that Ordinance No. 53-2020 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, McCann, Richardson, Stough, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on the 6024 Acres Road Sanitary Sewer Hardship Deferment request was placed on file. Mr. McCann presented and read aloud by title only, proposed Ordinance No. 54-2020, a written copy of same having been previously furnished to each member of Council, "Authorizing a hardship deferment for the sanitary sewer special assessment for 6024 Acres Road, Sylvania, Ohio; and declaring an emergency." Mr. McCann moved, Mr. Frye seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, McCann, Richardson, Stough, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.
54-2020,
"Sewer
Assessment
hardship
deferment...
6024 Acres
Road...."

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Mr. McCann moved, Mr. Haynam seconded, that Ordinance No. 54-2020 be enacted as an emergency measure as declared therein; roll call vote being: McCann, Richardson, Stough, Westphal, Cappellini, Frye, Haynam, 7) yeas; (0) nays. The motion carried.

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

Service Director's report on the water rates was placed on file. Proposed Ordinance No. 55-2020, Amending water rates (reduction) was reviewed.

Service Director's report on the sewer rates was placed on file. Proposed Ordinance No. 56-2020, Amending sewer rates (increase) was reviewed.

Mr. McCann moved, Mr. Richardson seconded to refer proposed Ordinance No. 55-2020 and proposed Ordinance No. 56-2020 to the Utilities Committee for review and recommendation. Roll call vote being: Richardson, Stough, Westphal, Cappellini, Frye, Haynam, McCann, (7) yeas; (0) nays. The motion carried.

Ordinance No. 55-2020, water rates and Ordinance No. 56-2020, sewer rates referral to Utilities Committee.

Mr. McCann set a utilities committee meeting for Tuesday, September 8, 2020 at 6:30 p.m. to discuss the water and sewer rate changes, investing in solar energy generation and the Elden ditch drainage area.

Util. Com. Mtg. set for 9-8-20 @ 6:30 p.m.

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

Service Director's report on obsolete equipment was placed on file. Mr. Frye moved, Mr. McCann seconded to declare the 2001 Sterling Dump/plow truck obsolete and to dispose of via GovDeals.com. Roll call vote being: Stough, Westphal, Cappellini, Frye, Haynam, McCann, Richardson, (7) yeas; (0) nays. The motion carried.

Authorize a vehicle for GovDeals.com

Mayor Stough stated there are no items for agenda items 13 & 14, so Council will now consider added agenda item 15.

Mayor Stough provided information the Logo apparel and the new City flag.

City Flag information.

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Mayor Stough stated all agenda items have been addressed.

Mrs. Westphal moved, Mr. McCann seconded to adjourn at 8:53 p.m. Roll call vote being: Westphal, Cappellini, Frye, McCann, Haynam, Richardson, Stough, (7) yeas; (0) nays. The motion carried.

Adjournment.

Clerk of Council

Mayor

RESOLUTION NO. 17 - 2020**A RESOLUTION OF THE COUNCIL OF THE CITY OF SYLVANIA SUPPORTING THE FIVE-YEAR, 0.42-MILL RENEWAL LEVY FOR THE SYLVANIA SENIOR CENTER; AND DECLARING AN EMERGENCY.**

WHEREAS, a quality senior center is a vital component of any successful community;
and,

WHEREAS, the Sylvania Senior Center has demonstrated a record of excellence a
service to the community while still maintaining financial responsibility and accountability; and,

WHEREAS, at the August 17, 2020 meeting of Sylvania City Council, the Executive
Director of Sylvania Community Services gave a presentation highlighting the need for the
renewal levy dollars; and,

WHEREAS, thereafter, Sylvania City Council requested the Director of Law to draft
legislation in support of the 0.42 mill renewal levy for the Sylvania Senior Center.

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

SECTION 1. That this Council recognizes the importance of the Sylvania Senior Center
to the community.

SECTION 2. That this Council does hereby support the proposed 0.42 mill Renewal
Levy for the Sylvania Senior Center which will be placed on the November 3, 2020 ballot.

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 Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide its support for the passage of the operating levy prior to the vote of November 3, 2020. 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 this Charter.

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

Passed, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

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DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 8, 2020

To: The Mayor and Members of Sylvania City Council

Re: **Cushman Road Improvements Project**
Temporary Construction Easements – 5704, 5708, 5716, 5824, & 5850 Cushman Road

Dear Mr. Mayor and Council Members:

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

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

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

- 5704 & 5708 Cushman Road – Mr. Michael Murdock, \$221 (5704) & \$836 (5708)
- 5716 Cushman Road – Mr. & Mrs. Marvin Krohn, \$120
- 5824 Cushman Road – Mr. & Mrs. Larry Duvall, \$823
- 5850 Cushman Road – Mr. Bradley Szutienko & Ms. Michele Fry \$525

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

Sincerely,

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

6b

ORDINANCE NO. 58 -2020

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

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

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

WHEREAS, Mr. Michael Murdock is entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Eight Hundred Thirty-Six Dollars (\$836.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

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

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

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

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

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

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Eight Hundred Thirty-Six Dollars (\$836.00).

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:


That **Michael J. Murdock**, the Grantor, in consideration of eight hundred thirty-six dollars (\$836), to him paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantor, **Michael J. Murdock**, has hereunto set his hand
this 7th day of August, 2020.


Michael J. Murdock

STATE OF OHIO

}SS

COUNTY OF LUCAS,



KENNETH A WINES
Notary Public, State of Ohio
My Commission Expires 12-4-21

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

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

Notary Public



City of Sylvania, Ohio

By:

Craig. A. Stough, Mayor

By:

Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Northeast Quarter of Section 10, Town 9 South, Range 6 East, being part of a 0.310 acre tract of land conveyed to Michael J. Murdock, by deed recorded in Instrument Number 201008310035303 in the deed records of the Lucas County Recorder's Office and being part of Lot 17 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

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

Thence South 01°09'44" East a distance of 1858.28' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 15+28.69;

Thence South 06°50'55" East a distance of 201.05' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 13+27.64;

Thence South 00°39'45" East a distance of 179.04' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 11+48.60;

Thence North 89°20'15" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 17, said point also being at the southwest corner of Lot 18 of said Haverford Subdivision, said point also being 25.00' right of Station 11+48.60 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 89°20'15" East along the northerly line of said Lot 17, a distance of 10.00' to a point, said point also being 35.00' right of Station 11+48.60;

Thence South 00°39'45" East a distance of 60.00' to a point on the said grantor's south property line and south line of said Lot 17, said point also being on the north line of Lot 16 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Michael J. Murdock, by deed recorded in Instrument Number 201008310035303 in the deed records of the Lucas County Recorder's Office, said point also being 35.00' right of station 10+88.60;

Thence South 89°20'15" West along the south line of said Lot 17, a distance of 10.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 10+88.60;

Thence North 00°39'45" West along the east Right-of-Way line of Cushman Road, a distance of 60.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.014 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07114.

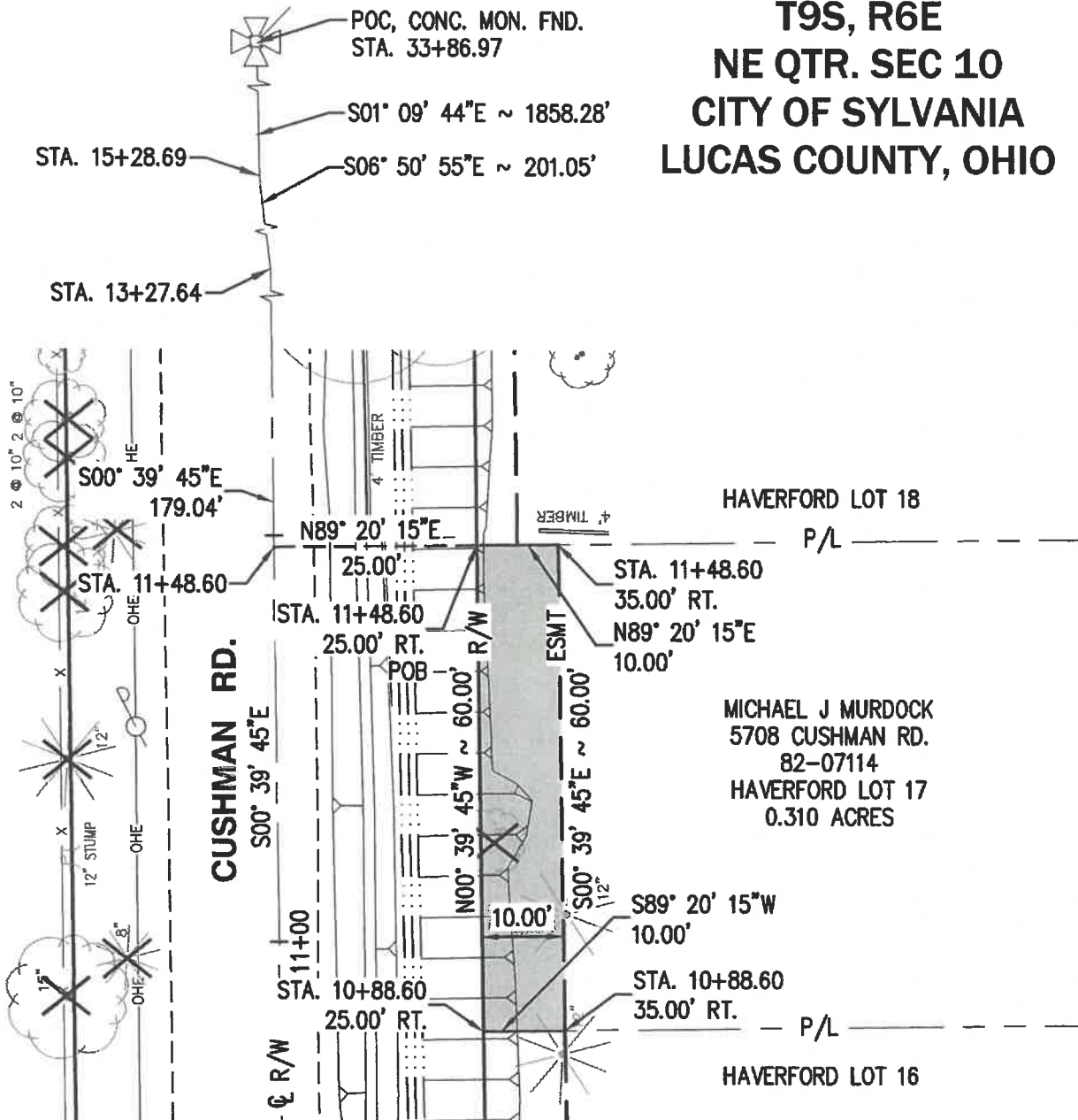
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

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



**T9S, R6E
NE QTR. SEC 10
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**

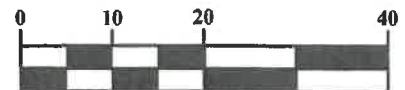


BASIS OF BEARINGS:
THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

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

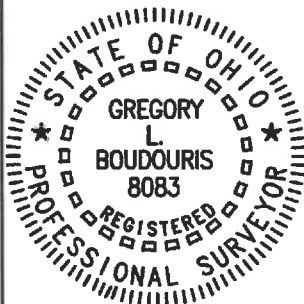
Gregory L. Boudouris 5/18/2020
GREGORY L. BOUDOURIS, P.E., P.S.
PROFESSIONAL SURVEYOR NO. 8083

**TEMPORARY EASEMENT
(0.014 ACRES)**
GRAPHIC SCALE



1 inch = 20 feet

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



ESA

Engineers, Surveyors & Associates, LLC
1353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 478-9445

EXHIBIT "B"
**TEMPORARY EASEMENT
FOR 5708 CUSHMAN RD.**
CUSHMAN ROAD IMPROVEMENTS

6c

ORDINANCE NO. 59 -2020

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

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

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

WHEREAS, Mr. Michael Murdock is entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Two Hundred Twenty-One Dollars (\$221.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

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

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

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

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

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

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Two Hundred Twenty-One Dollars (\$221.00).

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Michael J. Murdock**, the Grantor, in consideration of two hundred twenty-one dollars (\$221), to him paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantor, **Michael J. Murdock**, has hereunto set his hand
this 7th day of August, 2020.


Michael J. Murdock

STATE OF OHIO

}SS

COUNTY OF LUCAS,

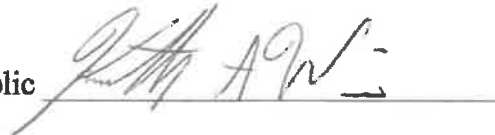


KENNETH A WINES
Notary Public, State of Ohio
My Commission Expires 12-4-21

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

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

Notary Public



City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Northeast Quarter of Section 10, Town 9 South, Range 6 East, being part of a 0.310 acre tract of land conveyed to Michael J. Murdock, by deed recorded in Instrument Number 201008310035303 in the deed records of the Lucas County Recorder's Office and being part of Lot 16 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

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

Thence South 01°09'44" East a distance of 1858.28' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 15+28.69;

Thence South 06°50'55" East a distance of 201.05' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 13+27.64;

Thence South 00°39'45" East a distance of 239.04' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 10+88.60;

Thence North 89°20'15" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 16, said point also being at the southwest corner of Lot 17 of said Haverford Subdivision, said point also being 25.00' right of Station 10+88.60 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 89°20'15" East along the northerly line of said Lot 16, a distance of 10.00' to a point, said point also being 35.00' right of Station 10+88.60;

Thence South 00°39'45" East a distance of 60.00' to a point on the said grantor's south property line and south line of said Lot 16, said point also being on the north line of Lot 15 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Graham Scott, by deed recorded in Instrument Number 20112090051738 in the deed records of the Lucas County Recorder's Office, said point also being 35.00' right of station 10+28.60;

Thence South 89°20'15" West along the south line of said Lot 16, a distance of 10.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 10+28.60;

Thence North 00°39'45" West along the east Right-of-Way line of Cushman Road, a distance of 60.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.014 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07111.

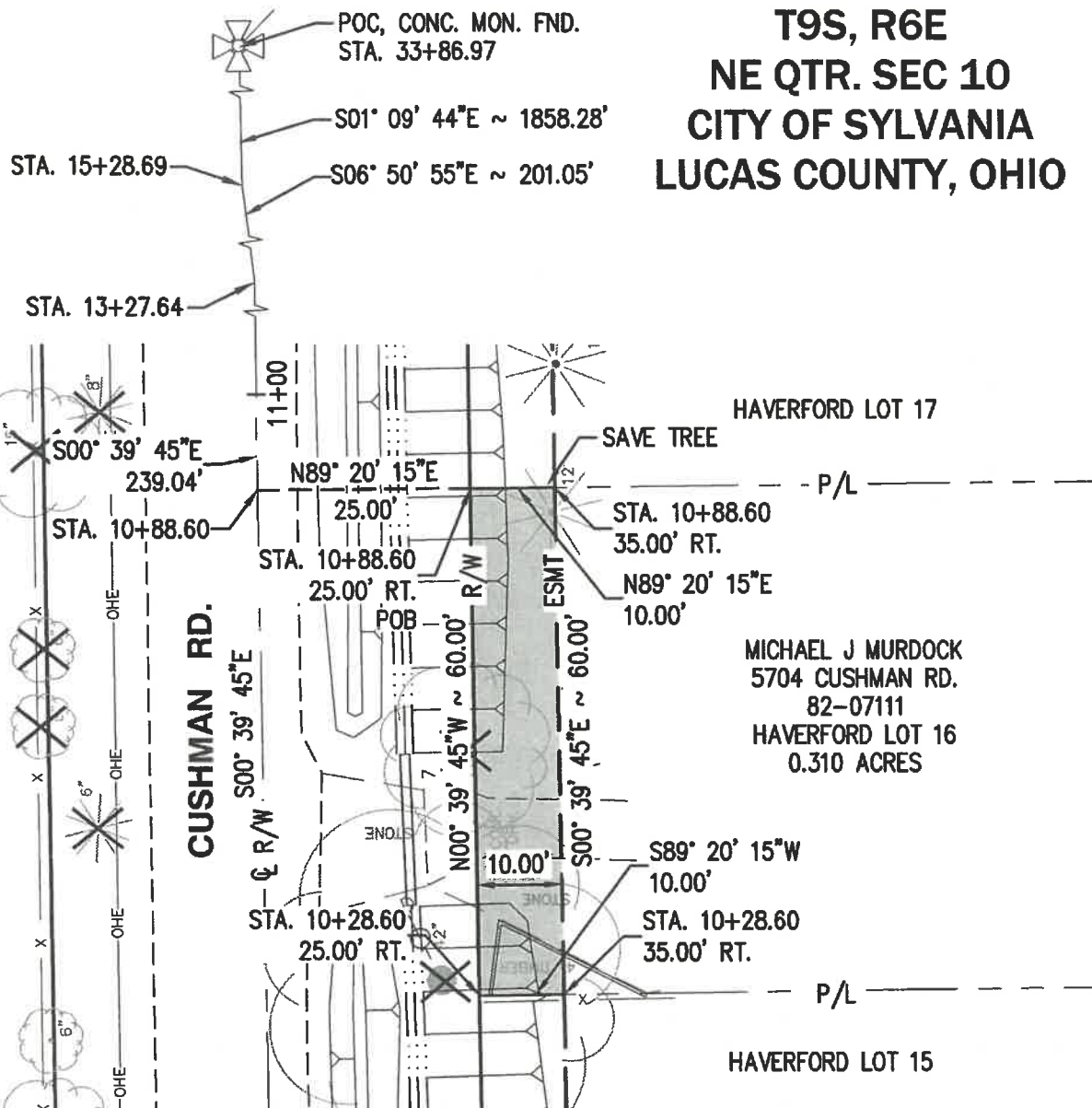
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris 5/18/2020

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



**T9S, R6E
NE QTR. SEC 10
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**

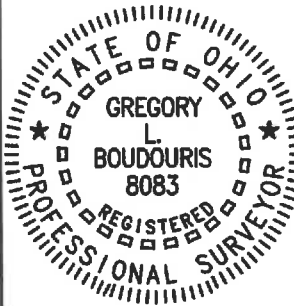


BASIS OF BEARINGS:
THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

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

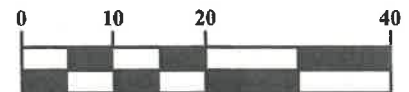
Handwritten: 4732 - 5/18/2020

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



TEMPORARY EASEMENT
(0.014 ACRES)

GRAPHIC SCALE



1 inch = 20 feet

SCALE: 1" = 20'

JOB NUMBER: 28-26

DRAWING DATE: 5-15-20

DRAWN BY: RGS

EXHIBIT: B

EXHIBIT "B"
TEMPORARY EASEMENT
FOR 5704 CUSHMAN RD.

CUSHMAN ROAD IMPROVEMENTS

ESA

Engineers, Surveyors & Associates, LLC

5353 Secor Rd., Toledo, Ohio, 43623 Phone (419) 476-9445

ORDINANCE NO. 60 -2020**ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM MARVIN KROHN AND KATHY L. KROHN FOR THE IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE TEMPORARY EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.**

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

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

WHEREAS, Mr. and Mrs. Marvin Krohn are entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of One Hundred Twenty Dollars (\$120.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

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

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Marvin Krohn and Kathy Krohn, the grantors therein.

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

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

records of this City.

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of One Hundred Twenty Dollars (\$120.00).

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Marvin Krohn and Kathy L. Krohn**, the Grantors, in consideration of one hundred twenty dollars (\$120), to them paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

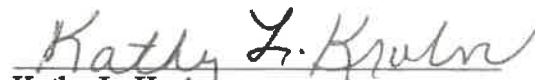
TO HAVE AND TO HOLD the same to said Grantee, its duly authorized agents or contractors, the proprietary right to enter upon and use the land above described, during the period beginning with the breaking of ground for the construction on the referenced improvement project and terminating when the completed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

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

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

IN WITNESS WHEREOF, the Grantors, **Marvin Krohn and Kathy L. Krohn**, have
hereunto set their hands this 4th day of August, 2020.


Marvin Krohn


Kathy L. Krohn

STATE OF OHIO

}SS

COUNTY OF LUCAS,

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

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

Notary Public 



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

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Northeast Quarter of Section 10, Town 9 South, Range 6 East, being part of a 0.310 acre tract of land conveyed to Marvin & Kathy L. Krohn, by deed recorded in Instrument Number 199108020725864 in the deed records of the Lucas County Recorder's Office and being part of Lot 18 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

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

Thence South 01°09'44" East a distance of 1858.28' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 15+28.69;

Thence South 06°50'55" East a distance of 201.05' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 13+27.64;

Thence South 00°39'45" East a distance of 119.04' on the centerline of Right-of-Way of Cushman Road to a point also being at Station 12+08.60;

Thence North 89°20'15" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 18, said point also being at the southwest corner of Lot 19 of said Haverford Subdivision, said point also being 25.00' right of Station 12+08.60 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 89°20'15" East along the northerly line of said Lot 18, a distance of 5.00' to a point, said point also being 30.00' right of Station 12+08.60;

Thence South 00°39'45" East a distance of 60.00' to a point on the said grantor's south property line and south line of said Lot 18, said point also being on the north line of Lot 17 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Michael J. Murdock, by deed recorded in Instrument Number 201008310035303 in the deed records of the Lucas County Recorder's Office, said point also being 30.00' right of station 11+48.60;

Thence South 89°20'15" West along the south line of said Lot 18, a distance of 5.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 11+48.60;

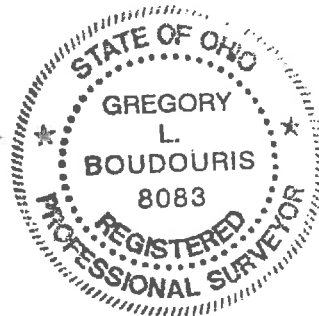
Thence North 00°39'45" West along the east Right-of-Way line of Cushman Road, a distance of 60.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.007 acres of land, more or less, and is subject to all legal highways and easements of record. Bearings used herein are based on an assumed meridian and are for the express purpose of showing angular measurement only. The above described area is contained within Lucas County Auditor's tax district parcel number 82-07117.

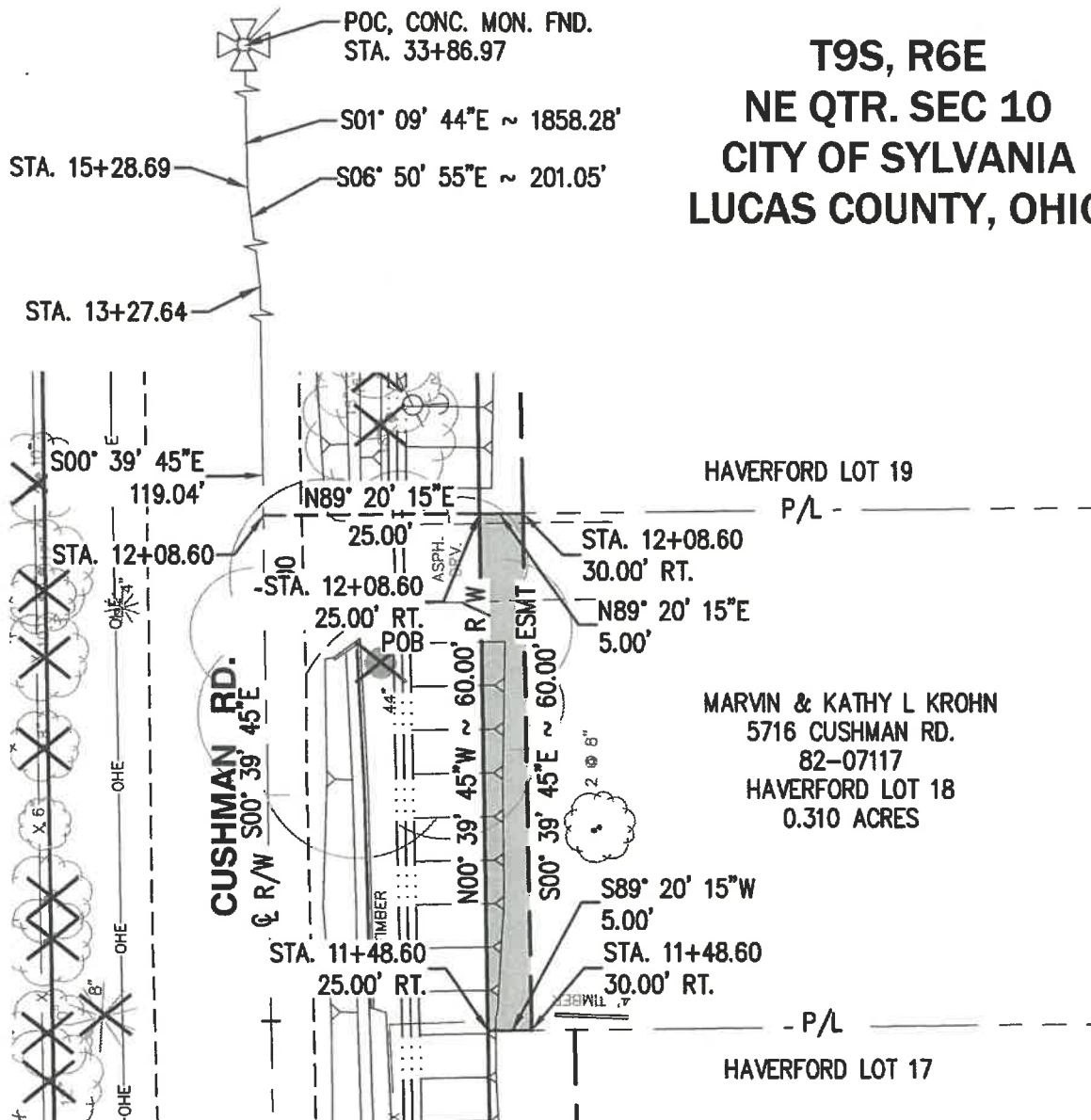
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris 5/18/2020

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



**T9S, R6E
NE QTR. SEC 10
CITY OF SYLVANIA
LUCAS COUNTY, OHIO**



BASIS OF BEARINGS:

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

CERTIFICATION:

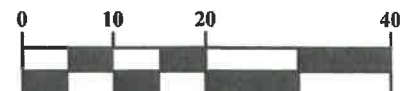
I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED FROM RECORDS AND SURVEY DATA PROVIDED BY THE CITY OF SYLVANIA, THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, CORRECTLY SHOWS THE LOCATION OF THE BOUNDARIES.

Gregory L. Boudouris - 5/18/2020

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

TEMPORARY EASEMENT
(0.007 ACRES)

GRAPHIC SCALE



1 inch = 20 feet

SCALE: 1" = 20'

JOB NUMBER: 28-26

DRAWING DATE: 5-15-20

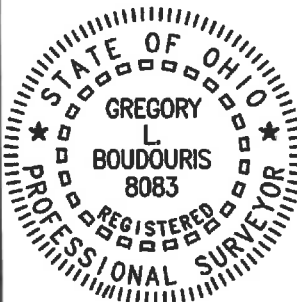
DRAWN BY: RGS

EXHIBIT: B

EXHIBIT "B"

TEMPORARY EASEMENT
FOR 5716 CUSHMAN RD.

CUSHMAN ROAD IMPROVEMENTS



ESA

Engineers, Surveyors & Associates, LLC

13253 Secor Rd., Toledo, Ohio, 43623 Phone (419) 475-9445

6e

ORDINANCE NO. 61 -2020

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

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

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

WHEREAS, Mr. and Mrs. Larry Duvall are entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Eight Hundred Twenty-Three Dollars (\$823.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

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

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Sharon Duvall and Larry Duvall, the grantors therein.

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

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

records of this City.

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Eight Hundred Twenty-Three Dollars (\$823.00).

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

ATTEST:

President of Council
APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Sharon A. Duvall and Larry Duvall**, the Grantors, in consideration of eight hundred twenty-three dollars (\$823), to them paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.

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

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

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

IN WITNESS WHEREOF, the Grantors, **Sharon A. Duvall and Larry Duvall**, have
hereunto set their hands this 10th day of August, 2020.

Sharon A. Duvall
Sharon A. Duvall

Larry Duvall
Larry Duvall

STATE OF OHIO

}SS

COUNTY OF LUCAS,

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

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

Notary Public Nicole L. Robbins



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

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.647 acre tract of land conveyed to Sharon A. and Larry Duvall, by deed recorded in Instrument Number 199305270856033 in the deed records of the Lucas County Recorder's Office and being part of Lot 151 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

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

Thence South 01°09'44" East a distance of 1297.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 20+89.57;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said Lot 151, said point also being at the southwest corner of Lot 152 of said Haverford Subdivision, said point also being 25.00' right of Station 20+89.57 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said Lot 151, a distance of 15.00' to a point, said point also being 40.00' right of Station 20+89.57;

Thence South 01°09'44" East a distance of 112.00' to a point on the said grantor's south property line and south line of said Lot 151, said point also being on the north line of the north 56 feet of Lot 150 of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Peter E. Schultz, by deed recorded in Instrument Number 200808210042079 in the deed records of the Lucas County Recorder's Office, said point also being 40.00' right of station 19+77.57;

Thence South 88°50'16" West along the south line of said Lot 151, a distance of 15.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 19+77.57;

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

Said Temporary Easement contains 0.039 acres of land, more or less, and is subject to all legal highways and easements of record.

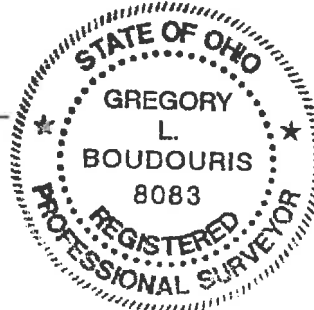
Bearings used herein are based on an assumed meridian and are for the express purpose of showing angular measurement only.

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07827.

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

Gregory L. Boudouris 5/18/2020

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



1853 Secor Rd., Toledo, Ohio 43623 Phone (419) 475-9445

6 f

ORDINANCE NO. 62 -2020

**ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM
BRADLEY SZUTIENKO AND MICHELE FRY FOR THE
IMPROVEMENT OF CUSHMAN ROAD; DEDICATING THE
TEMPORARY EASEMENT FOR PUBLIC PURPOSES;
APPROPRIATING FUNDS THEREFORE; AND DECLARING AN
EMERGENCY.**

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

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

WHEREAS, Mr. Bradley Szutienko and Ms. Michele Fry are entitled to receive payment of just compensation representing the fair market value of the temporary easement after an appraisal of those rights and they have executed and delivered a grant of temporary easement to this City for which they will be paid the sum of Five Hundred Twenty-Five Dollars (\$525.00), a copy of which grant of temporary easement is attached hereto as "Exhibit A"; and,

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

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

SECTION 1. That the temporary easement as to executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Bradley Szutienko and Michele Fry, the grantors therein.

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

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

records of this City.

SECTION 4. That, to provide funds for payment to the Grantors of said temporary easement hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Five Hundred Twenty-Five Dollars (\$525.00).

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary temporary easements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That **Bradley D. Szutienko and B. Michele Fry**, the Grantors, in consideration of five hundred twenty-five dollars (\$525), to them paid by the **City of Sylvania**, the Grantee, do hereby grant a temporary easement for a period of twelve (12) months to the said Grantee, its duly authorized agents or contractors, the proprietary right to enter, move material and operate the equipment essential to the construction of the Cushman Road Improvements Project, in, on, over and through the real estate in the City of Sylvania, Lucas County, Ohio, and legally described, Exhibit A, and drawn, Exhibit B as attached.


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

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

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

IN WITNESS WHEREOF, the Grantors, **Bradley D. Szutienko and B. Michele Fry**,
have hereunto set their hands this 11 day of AUGUST, 2020.


Bradley D. Szutienko


B. Michele Fry

STATE OF OHIO



JONATHAN W. LAFLANT
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 02-11-2023

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Bradley D. Szutienko and B. Michele Fry, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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

Notary Public



City of Sylvania, Ohio

By: _____

Craig. A. Stough, Mayor

By: _____

Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

EXHIBIT A

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

Situated in the State of Ohio, County of Lucas, City of Sylvania, Southeast Quarter of Section 3, Town 9 South, Range 6 East, being part of a 0.474 acre tract of land conveyed to Bradley D. Szutienko, by deed recorded in Instrument Number 200106130113009 in the deed records of the Lucas County Recorder's Office and being part of the north 56 feet of Lot 153 and also being part of the south 26 feet of Lot 154 in Haverford Subdivision as recorded in Volume 31, Pages 37 & 38, Lucas County Book of Plats of the Lucas County Recorder's Office and being more particularly described as follows:

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

Thence South 01°09'44" East a distance of 1047.40' on the centerline of Right-of-Way of Cushman Road to a point, said point also being at Station 23+39.57;

Thence North 88°50'16" East a distance of 25.00' to the existing east Right-of-Way line of Cushman Road, said point being at the northwest corner of said south 26 feet of Lot 154, said point also being at the southwest corner of Lot 154 except the south 26 feet, of said Haverford Subdivision, said point also being 25.00' right of Station 23+39.57 and being the **TRUE POINT OF BEGINNING**;

Thence continuing North 88°50'16" East along the northerly line of said south 26 feet of Lot 154, a distance of 15.00' to a point, said point also being 40.00' right of Station 23+39.57;

Thence South 01°09'44" East a distance of 82.00' to a point on the said grantor's south property line and south line of said north 56 feet of Lot 153, said point also being on the north line of Lot 153 except the North 56' of said Haverford Subdivision, said point also being on the north property line of a parcel of land conveyed to Cheung W. Tang, by deed recorded in Instrument Number 201203050010375 in the deed records of the Lucas County Recorder's Office, said point also being 40.00' right of station 22+57.58;

Thence South 88°50'16" West along the south line of said north 56 feet of Lot 153, a distance of 15.00' to the existing east Right-of-Way line of Cushman Road, said point also being 25.00' right of station 22+57.58;

Thence North 01°09'44" West along the east Right-of-Way line of Cushman Road, a distance of 82.00' to the **TRUE POINT OF BEGINNING**.

Said Temporary Easement contains 0.028 acres of land, more or less, and is subject to all legal highways and easements of record.

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

The above described area is contained within Lucas County Auditor's tax district parcel number 82-07843.

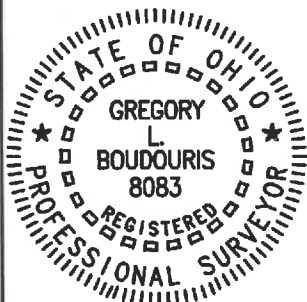
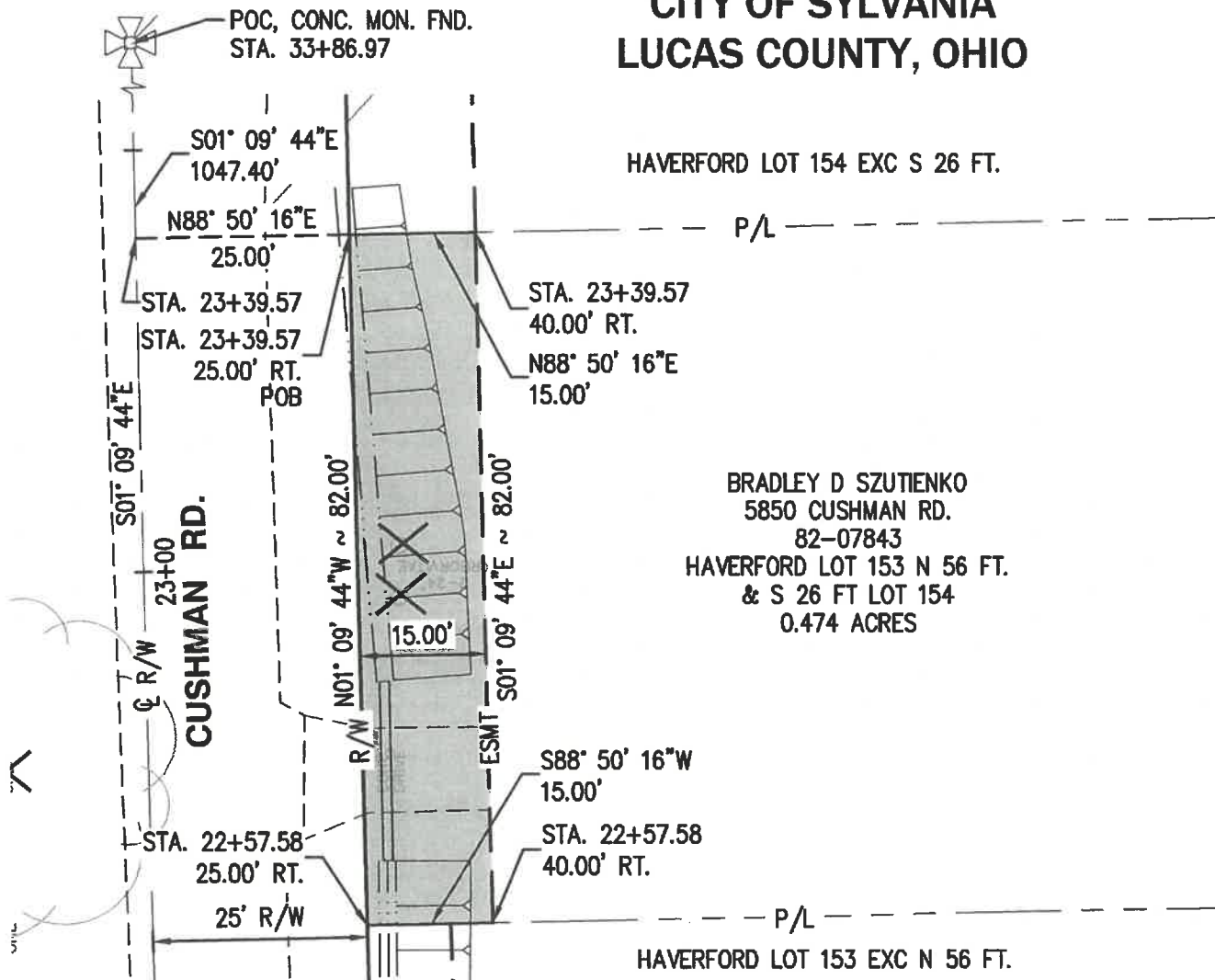
This description was prepared by Gregory L. Boudouris, Registered Surveyor 8083 in the State of Ohio.

Gregory L. Boudouris 5/18/2020

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



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



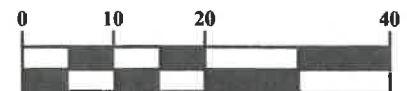
BASIS OF BEARINGS:
THE BASIS OF BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF SHOWING ANGULAR MEASUREMENT.

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

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

 **TEMPORARY EASEMENT
(0.028 ACRES)**

GRAPHIC SCALE



1 inch = 20 feet

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

ESA

Engineers, Surveyors & Associates, LLC
1333 Secor Rd., Toledo, Ohio, 43623 Phone (419) 476-9445

EXHIBIT "B"
**TEMPORARY EASEMENT
FOR 5850 CUSHMAN RD.**

CUSHMAN ROAD IMPROVEMENTS

7a



DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 8, 2020

To: The Mayor and Members of Sylvania City Council

Re: **Cushman Road Improvements Project**
Work Agreements – 5630 Balfour, 5630 & 5678 Cushman Road

Dear Mr. Mayor and Council Members:

In order to accommodate the planned improvements the Service Department needs to obtain Work Agreements from three property owners. On these parcels, all of the planned improvements can be constructed within the existing right-of-way. However, due to the close proximity of several large trees to the right-of-way line there are concerns the root systems of these trees will be severely compromised during waterline construction. If these trees are not removed they will rapidly decline and could cause potential safety issues to nearby homes.

The work agreement allows the City to right to enter and remove the trees on private property. Our Parks & Forestry Department has conducted tree appraisals on these scheduled removals and have determined compensation values based on species and size.

We met with the following property owners to discuss the removals and have come to an agreement to compensate each owner for loss of each tree as follows:

- 5630 Balfour Road (24" Siberian Elm) – Mr. Michael VanZile & Ms. Carol DeGroff-VanZile, \$340
- 5630 Cushman Road (15" Mulberry) – Mr. Kirk Donnelly, \$560
- 5678 Cushman Road (52" Silver Maple) – Ms. Julie Adams, \$4,960

Procurement of these work agreements are known project expenses and were included within the project budget. We request approval of the enclosed work agreements and authorization of payment.

Sincerely,

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

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A WORK AGREEMENT FOR TREE REMOVAL WITH MICHAEL E. VANZILE AND CAROL J. DEGROFF-VANZILE RELATIVE TO THE CUSHMAN ROAD IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the Director of Public Service, by report dated September 8, 2020, has indicated that the planned improvements for the project can be completed within the existing right-of-way adjacent to 5630 Balfour Rd., however, there are concerns that the root system of a tree located close to the right-of-way will be severely compromised during waterline construction; and,

WHEREAS, the Director of Public Service has recommended that the affected tree be removed as part of the project and the owners be compensated for the loss of the tree; and,

WHEREAS, Mr. Michael E. VanZile and Carol J. DeGroff-VanZile are entitled to receive payment of just compensation representing value of a 24" Siberian Elm Tree after an appraisal of the tree and they have executed and delivered a Work Agreement for Tree Removal for which they will be paid the sum of Three Hundred Forty Dollars (\$340.00), a copy of which Work Agreement for Tree Removal is attached hereto as "Exhibit A"; and,

WHEREAS, said Work Agreement for Tree Removal is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantors.

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

SECTION 1. That the Work Agreement for Tree Removal as executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Michael E. VanZile and Carol J. DeGroff-VanZile, the grantors therein.

SECTION 2. That the Director of Law is hereby directed to deliver the fully-executed Work Agreement for Tree Removal to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 3. That, to provide funds for payment to the Grantors of said Work Agreement for Tree Removal hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Three Hundred Forty Dollars (\$340.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary work agreements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

WORK AGREEMENT FOR TREE REMOVAL

This Agreement made and entered into between **Michael E. VanZile and Carol J. DeGroff-VanZile**, hereinafter called the OWNERS, and the **City of Sylvania**, hereinafter called the CITY.

WHEREAS, the Owners hereby covenant that they are the true and lawful Owner of 5630 Balfour Road and claim title by instrument recorded in Instrument Number 201910310044495 in the Deed Records of the Lucas County Recorder's Office; and,

WHEREAS, the Owners have agreed to grant the City, it's contractors or subcontractors, certain access rights needed for the Cushman Road Improvements Project as shown in plans on file with the City; and,

WHEREAS, as a part of said Cushman Road Improvements Project is it necessary to remove a 24" Siberian Elm tree, identified as T-1, and located at approximately Sta. 16+09, Right, for storm sewer and water line installation purposes; and,

WHEREAS, the City has field located this tree to be on private property and outside of the right-of-way of Cushman Road; and,

WHEREAS, the Owners have agreed to accept the City's determination of the value of the tree, based on an appraisal conducted by a certified arborist on behalf of the City of which a copy has been provided to the Owners; and,

WHEREAS, the City has agreed to pay the Owners the sum of three hundred forty dollars (\$340), which represents the entire sum of money to be paid by the City to the Owners, for and in consideration of interest taken, damage from all causes, and the removal of the tree located on the subject property pursuant to the terms of this Work Agreement.

NOW THEREFORE, it is mutually understood and agreed between the parties as follows:

1. The Owners agree to provide the City access on said property to remove said tree.

2. The City, it's contractors or subcontractors, shall perform the tree removal operation as a part of said Cushman Road Improvements Project and will remove said tree and grind the stump flush to grade.
3. The City, it's contractors or subcontractors, shall restore the tree removal area to a condition similar to what exists surrounding the tree area prior to the commencement of construction or better, subject to the project construction plans.

IN WITNESS WHEREOF, the Owners, **Michael E. VanZile and Carol J. DeGroff-**
VanZile, has hereunto set their hands this 7th day of August, 2020.

Michael E. VanZile
Michael E. VanZile

Carol J. DeGroff-VanZile
Carol J. DeGroff-VanZile

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Michael E. VanZile and Carol J. DeGroff-VanZile, who acknowledged the signing thereof to be their voluntary act and deed for the purpose therein mentioned.

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

Notary Public Nicole L. Robbins



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

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

7c

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A WORK AGREEMENT FOR TREE REMOVAL WITH JULIE A. ADAMS RELATIVE TO THE CUSHMAN ROAD IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the Director of Public Service, by report dated September 8, 2020, has indicated that the planned improvements for the project can be completed within the existing right-of-way adjacent to 5678 Cushman Rd., however, there are concerns that the root system of a tree located close to the right-of-way will be severely compromised during waterline construction; and,

WHEREAS, the Director of Public Service has recommended that the affected tree be removed as part of the project and the owner be compensated for the loss of the tree; and,

WHEREAS, Ms. Julie A. Adams is entitled to receive payment of just compensation representing value of a 52" Silver Maple Tree after an appraisal of the tree and he has executed and delivered a Work Agreement for Tree Removal for which she will be paid the sum of Four Thousand Nine Hundred Sixty Dollars (\$4,960.00), a copy of which Work Agreement for Tree Removal is attached hereto as "Exhibit A"; and,

WHEREAS, said Work Agreement for Tree Removal is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas

County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the Work Agreement for Tree Removal as executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Julie A. Adams, the grantor therein.

SECTION 2. That the Director of Law is hereby directed to deliver the fully-executed Work Agreement for Tree Removal to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 3. That, to provide funds for payment to the Grantor of said Work Agreement for Tree Removal hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Four Thousand Nine Hundred Sixty Dollars (\$4,960.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary work agreements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

WORK AGREEMENT FOR TREE REMOVAL

This Agreement made and entered into between **Julie A. Adams**, hereinafter called the OWNER, and the **City of Sylvania**, hereinafter called the CITY.

WHEREAS, the Owner and Michael S. Adams, Jr. are the true and lawful Owners of 5678 Cushman Road and claim title by instrument recorded in Instrument Number 200802220009033 in the Deed Records of the Lucas County Recorder's Office; and,

WHEREAS, the Owner and Michael S. Adams, Jr. in the Common Pleas Court of Lucas County, Ohio, Domestic Relations Division, Case No. DR2018-0751, on December 4, 2019, dissolved and terminated their marital relationship; and,

WHEREAS, in Article 7A in said Case No. DR2018-0751, the Owner was awarded the marital residence located at 5678 Cushman Road free and clear from Michael S. Adams, Jr. and of which Michael S. Adams, Jr. is to execute a quitclaim deed transferring all of his right, title, and interest in said real estate to the Owner, and which at the time of this Agreement has yet to be executed and recorded with the Lucas County Recorder's Office; and,

WHEREAS, the Owner has agreed to grant the City, its contractors or subcontractors, certain access rights needed for the Cushman Road Improvements Project as shown in plans on file with the City; and,

WHEREAS, as a part of said Cushman Road Improvements Project it is necessary to remove a 52" Silver Maple tree, identified as T-6, and located at approximately Sta. 9+12, Right, for water line installation purposes; and,

WHEREAS, the City has field located this tree to be on private property and outside of the right-of-way of Cushman Road; and,

WHEREAS, the Owner has agreed to accept the City's determination of the value of the tree, based on an appraisal conducted by a certified arborist on behalf of the City of which a copy has been provided to the Owner; and,

WHEREAS, the City has agreed to pay the Owner the sum of four thousand nine hundred sixty dollars (\$4,960), which represents the entire sum of money to be paid by the City to the Owner, for and in consideration of interest taken, damage from all causes, and the removal of the tree located on the subject property pursuant to the terms of this Work Agreement.

NOW THEREFORE, it is mutually understood and agreed between the parties as follows:

1. The Owner agrees to provide the City access on said property to remove said tree.
2. The City, it's contractors or subcontractors, shall perform the tree removal operation as a part of said Cushman Road Improvements Project and will remove said tree and grind the stump flush to grade.
3. The City, it's contractors or subcontractors, shall restore the tree removal area to a condition similar to what exists surrounding the tree area prior to the commencement of construction or better, subject to the project construction plans.

IN WITNESS WHEREOF, the Owner, **Julie A. Adams**, has hereunto set her hand this

12th day of August, 2020.

Julie A. Adams
Julie A. Adams

STATE OF OHIO

}SS

COUNTY OF LUCAS,

Before me, a Notary Public, in and for said County and State, personally appeared Julie A. Adams, who acknowledged the signing thereof to be her voluntary act and deed for the purpose therein mentioned.

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



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

Notary Public Nicole L. Robbins

City of Sylvania, Ohio

By: _____
Craig. A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law

7d

ORDINANCE NO. 65 -2020

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO
ENTER INTO A WORK AGREEMENT FOR TREE REMOVAL WITH
KIRK B. DONNELLY RELATIVE TO THE CUSHMAN ROAD
IMPROVEMENT PROJECT; APPROPRIATING FUNDS THEREFORE;
AND DECLARING AN EMERGENCY.**

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

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

WHEREAS, the Director of Public Service, by report dated September 8, 2020, has indicated that the planned improvements for the project can be completed within the existing right-of-way adjacent to 5630 Cushman Rd., however, there are concerns that the root system of a tree located close to the right-of-way will be severely compromised during waterline construction; and,

WHEREAS, the Director of Public Service has recommended that the affected tree be removed as part of the project and the owners be compensated for the loss of the tree; and,

WHEREAS, Mr. Kirk B. Donnelly is entitled to receive payment of just compensation representing value of a 15" Mulberry Tree after an appraisal of the tree and he has executed and delivered a Work Agreement for Tree Removal for which he will be paid the sum of Five Hundred Sixty Dollars (\$560.00), a copy of which Work Agreement for Tree Removal is attached hereto as "Exhibit A"; and,

WHEREAS, said Work Agreement for Tree Removal is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas

County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the Work Agreement for Tree Removal as executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from Kirk B. Donnelly, the grantor therein.

SECTION 2. That the Director of Law is hereby directed to deliver the fully-executed Work Agreement for Tree Removal to the Director of Finance for retention by him as custodian of the records of this City.

SECTION 3. That, to provide funds for payment to the Grantor of said Work Agreement for Tree Removal hereby accepted, there is hereby appropriated from the **WATER FUND**, from funds therein not heretofore appropriated, to **Account No. 701-7525-53501 – Utility Improvements**, the sum of Five Hundred Sixty Dollars (\$560.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the improvement of Cushman Road should proceed as soon as possible and accordingly the acquisition of the necessary work agreements should proceed forthwith and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2020, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

WORK AGREEMENT FOR TREE REMOVAL

This Agreement made and entered into between **Kirk B. Donnelly**, hereinafter called the OWNER, and the **City of Sylvania**, hereinafter called the CITY.

WHEREAS, the Owner hereby covenants that he is the true and lawful Owner of 5630 Cushman Road and claims title by instrument recorded in Instrument Number 200408060064594 in the Deed Records of the Lucas County Recorder's Office; and,

WHEREAS, the Owner has agreed to grant the City, it's contractors or subcontractors, certain access rights needed for the Cushman Road Improvements Project as shown in plans on file with the City; and,

WHEREAS, as a part of said Cushman Road Improvements Project is it necessary to remove a 15" Mulberry tree, identified as T-5, and located at approximately Sta. 4+90, Right, for storm sewer installation purposes; and,

WHEREAS, the City has field located this tree to be on private property and outside of the right-of-way of Cushman Road; and,

WHEREAS, the Owner has agreed to accept the City's determination of the value of the tree, based on an appraisal conducted by a certified arborist on behalf of the City of which a copy has been provided to the Owner; and,

WHEREAS, the City has agreed to pay the Owner the sum of five hundred sixty dollars (\$560), which represents the entire sum of money to be paid by the City to the Owner, for and in consideration of interest taken, damage from all causes, and the removal of the tree located on the subject property pursuant to the terms of this Work Agreement.

NOW THEREFORE, it is mutually understood and agreed between the parties as follows:

1. The Owner agrees to provide the City access on said property to remove said tree.
2. The City, it's contractors or subcontractors, shall perform the tree removal operation as a part of said Cushman Road Improvements Project and will remove said tree and grind the

stump flush to grade.

3. The City, it's contractors or subcontractors, shall restore the tree removal area to a condition similar to what exists surrounding the tree area prior to the commencement of construction or better, subject to the project construction plans.

IN WITNESS WHEREOF, the Owner, **Kirk B. Donnelly**, has hereunto set his hand this

5th day of August, 2020.

Kirk B. Donnelly
Kirk B. Donnelly

STATE OF OHIO

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COUNTY OF LUCAS,

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

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



Notary Public Edward J. McKinney

City of Sylvania, Ohio

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

Approved:

Leslie B. Brining, Director of Law



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OFFICE OF THE MAYOR
CRAIG A. STOUGH, MAYOR

September 8, 2020

TO THE MEMBERS OF SYLVANIA CITY COUNCIL:

RE: Appointment to the Sylvania Tree Commission

Dear Council Members:

Ms. Victoria Diesing, 7121 Crabtree Lane, Sylvania, Ohio, has expressed her interest in serving on the Sylvania Tree Commission. Ms. Diesing will be replacing Ms. Toni Andrews who has served on the Sylvania Tree Commission for several years, with her most recent term set to expire on December 31, 2020.

Ms. Diesing is currently a student at Owens Community College where she studies environmental management and at the University of Toledo where she is majoring in theatre. Ms. Diesing has also been involved with the Lucas County buckthorn removal projects at Irwin Prairie and Harroun Park.

Therefore, I am pleased to announce the appointment of Victoria Diesing to the Sylvania Tree Commission for a term commencing January 1, 2021 and expiring December 31, 2023 and request that you confirm this appointment.

Respectfully submitted,

Craig A. Stough
Mayor

CAS/lb



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 *KGA*
Date: 9/2/2020
Re: Obsolete Equipment

Council Members,

We have several items that are no longer of use in our City operations in the Parks and Forestry Department as listed below:

Single Axle Fuel Trailer
Dual Axle Fuel Trailer
Toro V-Plow
(3) Concrete Trash Receptacles
Air Compressor (7 ½ hp, two stage)
Carousel Slide Projector and Supplies

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

Please call if you have any questions. Thank you.

2021 Budget Schedule

September 7, 2020	Budget worksheets to Directors
October 1, 2020	Budget worksheets due to Finance Director
October 12-16, 2020	Finance Committee Meeting (to be scheduled)
October 19-23, 2020	Finance Committee Meeting (to be scheduled if necessary)
November 2, 2020	Budget Ordinance First Reading
November 16, 2020	Budget Ordinance Second Reading
December 7, 2020	Budget Ordinance Vote