

COUNCIL AGENDA

August 15, 2022

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Beth Bline

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of August 1, 2022

APPOINTMENTS

REPORTS OF STANDING COMMITTEES

Finance

Service

Personnel

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending July 31, 2022

Brenda Cooper, Tax Administrator's Office – Income Tax Revenue Reports for period ending July 31st, 2022

Proclamation- Mayor Hall – 28th Annual Licking County River Round Up Day, September 10th, 2022

COMMUNICATIONS

Ohio Division of Liquor Control – Transfer application from McKenna's Market Newark LLC, 2 North Park Place, Newark, OH 43055 to Park Place General LLC, dba Chickies General Store, 2 North Park Place, Newark, OH 43055

Ohio Division of Liquor Control – Transfer application from Townz Family Billiards, 50 N. 11th Street, Newark, OH 43055 to Sherry & Craig Peck LLC, dba Townz Family Billiards & Beverages, 50 N. 11th Street, Newark, OH 43055

Darrin Logan, NPD – Annual Licking County FOP Lodge #127 Golf Outing, September 11, 2022 at Raccoon Valley Golf Course

John Bnrjic, NPD – Newark Citizen Police Academy Applications Now Available for program beginning October 3, 2022

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting

ORDINANCES ON FIRST READING

22-20 AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF SERVICE AND THE AUDITOR'S OFFICE, BY ABOLISHING THE POSITION OF FINANCIAL ANALYST IN THE SERVICE DEPARTMENT AND CREATING THE POSITION OF FINANCIAL ANALYST IN THE OFFICE OF THE AUDITOR

22-21 AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-225744-00.000 AND PARCEL # 054-225738-00.000, NEWARK, LICKING COUNTY, LOCATED AT 2236 RIVER ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY

22-22 AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-228294-00.000 AND PARCEL # 054-228294-00.001, LOCATED AT 2166 REDDINGTON ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

22-23 AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-216618-00.000, LOCATED AT 2229 RIVER ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

RESOLUTIONS ON SECOND READING

22-68 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION (\$205,000.00 -vehicles)(\$348,409.28 --1-NPD ATV Purchase;2-Land Purchase 620 Granville Rd;3-City Hall Front Entrance;4-Add'' monies needed for Chase Bldg. floor 2 and basement purchase)

RESOLUTIONS ON FIRST READING

22-70 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION \$300.00 -Request appropriation of funds from rebate on Naloxone purchase back into the EMS Medical Supply Account)

\$259,183.00 -(1-Pool Liner total cost is \$191,683.00 already have \$175k of it; 2-Chase Bldg. heating & cooling project; 3-Traffic signals upgrade; 4-Equipment add ons to 4 NPD vehicles, {\$200k request from 6-20-22}}{\$38,300.00 -monies from logging)

22-71 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL 054-246708-00.000, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING WEST CHURCH STREET WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY.

22-72 A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL # 020-041304-00.000, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING THORNWOOD CROSSING WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO. 22-20

BY _____

AN ORDINANCE AMENDING THE DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF SERVICE AND THE AUDITOR'S OFFICE, BY ABOLISHING THE POSITION OF FINANCIAL ANALYST IN THE SERVICE DEPARTMENT AND CREATING THE POSITION OF FINANCIAL ANALYST IN THE OFFICE OF THE AUDITOR

WHEREAS, the Service Director and the Auditor have reviewed their staffing needs and have determined that modifications are needed in the existing staff; and

WHEREAS, the position of Financial Analyst in the Service Department is currently unfilled; and

WHEREAS, the Service Director and the Auditor jointly have determined that the position and duties of the Financial Analyst within the Department of Service is more appropriately placed under the umbrella of the Auditor's Office; and

WHEREAS, the position will remain under the same classification and pay range under the Auditor's Office as it was previously designated under the Department of Service; and

WHEREAS, the Personnel Committee considered this matter on August 1, 2022, and recommended that it be considered by the full Council.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

Section 1. The full time position of Financial Analyst within the Department of Service is hereby abolished.

Section 2. The full-time position of Financial Analyst within the Auditor's Office is hereby established. This position shall be in the classified service of the City. The occupant of this position shall receive the compensation and benefits set forth in the current employment policy for the Hourly Non-Bargaining Unit Personnel.

Section 4. The position classification/pay range table for the Service Department is hereby amended as follows:

Position Number	Description	Benefit Group	Current	Proposed	Pay Range
1.121.121.01	Service Director	Appointed	1	1	Salary
4.121.663.01	Secretary 2	NON-BARG FT	1	1	
4.121.695.01	Support Analyst	NON-BARG FT	1	1	

Section 5. The position classification/pay range table for the Auditor's Office is hereby amended as follows:

Position Number	Description	Benefit Group	Current	Proposed	Pay Range
1.104.104.01	Auditor	Elected	1	1	
1.104.124.01	Deputy Auditor	Appointed	1	1	
2.104.230.01	Accounting Manager	MGMT EXEMPT	1	1	
3.104.602.01	Account Clerk 2	AFSCME FT	1	1	
3.104.603.01	Auditor's Clerk	AFSCME FT	1	1	
3.104.611.01	Payroll Specialist	AFSCME FT	1	1	
NEW	FINANCIAL ANALYST	NON-BARG FT	0	1	37

Section 6. This legislation shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day _____, 2022

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
TRICIA M. MOORE, DIRECTOR OF LAW

ORDINANCE NO. 22-21

BY: _____

AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-225744-00.000 AND PARCEL # 054-225738-00.000, NEWARK, LICKING COUNTY, LOCATED AT 2236 RIVER ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and,

WHEREAS, Ohio Revised Code Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets, as well as the construction or operation of streets and bridges; and,

WHEREAS, the Newark City Council recognizes the necessity of the Appropriation more specifically described in this Ordinance and in Exhibit "A" attached hereto, to conduct the maintenance and improvements necessary to complete the Thornwood Crossing construction project; and,

WHEREAS, it is necessary to appropriate the Property described in the Exhibit "A" attached hereto for the purpose of maintenance and improvements necessary for the completion of the Thornwood Crossing construction project, including, but not limited to, the opening, widening, straightening, changing the grade and/or extending the roadway of Thornwood Crossing, such property currently owned by John Lindsey, and managed by executor Kirk Lindsey; and,

WHEREAS, it is immediately necessary to proceed with this improvement project due to the fact that modification of the current condition of the area of Thornwood Crossing enhances the health, safety and welfare of the citizens of the City of Newark, Ohio, and there is a significant and essential interest to complete the project within the present construction time table.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION ONE: A fee simple interest, as well as perpetual and temporary easements, in the respective portions of the Property described in attached Exhibit "A" are hereby appropriated for the public purpose of the Thornwood Crossing construction project pursuant to applicable Federal, State and Local Laws and Regulations.

SECTION TWO: The City of Newark Council finds the appropriation to be necessary to carry out the public purpose of the maintenance and improvements to Thornwood Crossing including, but not limited to, the opening, widening, straightening, changing the grade of and extending the roadway, as well as the construction or operation of streets and bridges, that the Property Owner has been unable to agree with the City as to the fair market value of the land to be appropriated and that it is necessary to take immediate possession of the Property to be appropriated to achieve the public purpose set forth herein.

SECTION THREE: The Director of Law or his designee is hereby authorized to file a Complaint for Appropriation in the Licking County Court of Common Pleas and to have a jury impaneled to assess the compensation to be paid for the real estate described in the attached Exhibit "A."

SECTION FOUR: The City of Newark Council hereby fixes the value of the acquired interest on the portions of the Property specified herein and specifically delineated in Exhibit "A" as \$367,725.00 and authorizes the depositing of the same with the Clerk of the Licking County Court of Common Pleas for the use and benefit of the Owners of the portions of the Property appropriated. Upon such deposit, the City of Newark shall be authorized to enter upon the Property and take possession of the same in accordance with the law.

SECTION FIVE: An emergency is declared to exist to preserve the health, safety and welfare of the City of Newark inhabitants, as there is a significant and essential interest to complete the project within the present construction time table. Therefore, this Ordinance shall be immediately effective upon passage as provided in the Newark City Charter, Article 4.07.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law at the request of the Division of Engineering.

ORDINANCE NO. 22-22

BY: _____

AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-228294-00.000 AND PARCEL # 054-228294-00.001, LOCATED AT 2166 REDDINGTON ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and,

WHEREAS, Ohio Revised Code Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets, as well as the construction or operation of streets and bridges; and,

WHEREAS, the Newark City Council recognizes the necessity of the Appropriation more specifically described in this Ordinance and in Exhibit "A" attached hereto, to conduct the maintenance and improvements necessary to complete the Thornwood Crossing construction project; and,

WHEREAS, it is necessary to appropriate the Property described in the Exhibit "A" attached hereto for the purpose of maintenance and improvements necessary for the completion of the Thornwood Crossing construction project, including, but not limited to, the opening, widening, straightening, changing the grade and/or extending the roadway of Thornwood Crossing, such property currently owned by Steven and Jennifer Cannon, fka Jennifer Posey; and,

WHEREAS, it is immediately necessary to proceed with this improvement project due to the fact that modification of the current condition of the area of Thornwood Crossing enhances the health, safety and welfare of the citizens of the City of Newark, Ohio, and there is a significant and essential interest to complete the project within the present construction time table.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION ONE: A fee simple interest, with limitation of access, in the respective portions of the Property described in attached Exhibit "A" are hereby appropriated for the public purpose of the Thornwood Crossing construction project pursuant to applicable Federal, State and Local Laws and Regulations.

SECTION TWO: The City of Newark Council finds the appropriation to be necessary to carry out the public purpose of the maintenance and improvements to Thornwood Crossing including, but not limited to, the opening, widening, straightening, changing the grade of and extending the roadway, as well as the construction or operation of streets and bridges, that the Property Owner has been unable to agree with the City as to the fair market value of the land to be appropriated and that it is necessary to take immediate possession of the Property to be appropriated to achieve the public purpose set forth herein.

SECTION THREE: The Director of Law or his designee is hereby authorized to file a Complaint for Appropriation in the Licking County Court of Common Pleas and to have a jury impaneled to assess the compensation to be paid for the real estate described in the attached Exhibit "A."

SECTION FOUR: The City of Newark Council hereby fixes the value of the acquired interest on the portions of the Property specified herein and specifically delineated in Exhibit "A" as \$210,000.00 and authorizes the depositing of the same with the Clerk of the Licking County Court of Common Pleas for the use and benefit of the Owners of the portions of the Property appropriated. Upon such deposit, the City of Newark shall be authorized to enter upon the Property and take possession of the same in accordance with the law.

SECTION FIVE: An emergency is declared to exist to preserve the health, safety and welfare of the City of Newark inhabitants, as there is a significant and essential interest to complete the project within the present construction time table. Therefore, this Ordinance shall be immediately effective upon passage as provided in the Newark City Charter, Article 4.07.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law at the request of the Division of Engineering.

ORDINANCE NO. 22-23

BY: _____

AN ORDINANCE APPROPRIATING THE REAL ESTATE KNOWN AS PARCEL # 054-216618-00.000, LOCATED AT 2229 RIVER ROAD, NEWARK, LICKING COUNTY, OHIO; AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH A COMPLAINT FOR APPROPRIATION IN THE LICKING COUNTY COURT OF COMMON PLEAS; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and,

WHEREAS, Ohio Revised Code Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets, as well as the construction or operation of streets and bridges; and,

WHEREAS, the Newark City Council recognizes the necessity of the Appropriation more specifically described in this Ordinance and in Exhibit "A" attached hereto, to conduct the maintenance and improvements necessary to complete the Thornwood Crossing construction project; and,

WHEREAS, it is necessary to appropriate the Property described in the Exhibit "A" attached hereto for the purpose of maintenance and improvements necessary for the completion of the Thornwood Crossing construction project, including, but not limited to, the opening, widening, straightening, changing the grade and/or extending the roadway of Thornwood Crossing, such property currently owned by Raymond and Gay Ellen Clodfelter; and,

WHEREAS, it is immediately necessary to proceed with this improvement project due to the fact that modification of the current condition of the area of Thornwood Crossing enhances the health, safety and welfare of the citizens of the City of Newark, Ohio, and there is a significant and essential interest to complete the project within the present construction time table.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION ONE: A temporary easement on the respective portions of the Property described in attached Exhibit "A" are hereby appropriated for the public purpose of the Thornwood Crossing construction project pursuant to applicable Federal, State and Local Laws and Regulations.

SECTION TWO: The City of Newark Council finds the appropriation to be necessary to carry out the public purpose of the maintenance and improvements to Thornwood Crossing including, but not limited to, the opening, widening, straightening, changing the grade of and extending the roadway, as well as the construction or operation of streets and bridges, that the Property Owner has been unable to agree with the City as to the fair market value of the land to be appropriated and that it is necessary to take immediate possession of the Property to be appropriated to achieve the public purpose set forth herein.

SECTION THREE: The Director of Law or his designee is hereby authorized to file a Complaint for Appropriation in the Licking County Court of Common Pleas and to have a jury impaneled to assess the compensation to be paid for the real estate described in the attached Exhibit "A."

SECTION FOUR: The City of Newark Council hereby fixes the value of the acquired interest on the portions of the Property specified herein and specifically delineated in Exhibit "A" as \$300.00 and authorizes the depositing of the same with the Clerk of the Licking County Court of Common Pleas for the use and benefit of the Owners of the portions of the Property appropriated. Upon such deposit, the City of Newark shall be authorized to enter upon the Property and take possession of the same in accordance with the law.

SECTION FIVE: An emergency is declared to exist to preserve the health, safety and welfare of the City of Newark inhabitants, as there is a significant and essential interest to complete the project within the present construction time table. Therefore, this Ordinance shall be immediately effective upon passage as provided in the Newark City Charter, Article 4.07.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law at the request of the Division of Engineering.

Resolution No.22-68

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 621 Water Dept. Fund, in the amount of \$205,000.00 (vehicles)

621.706.5532	Vehicles	205,000.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 220 COVID-19-ARP Fund, in the amount of \$348,409.28 (1-NPD ATV Purchase;2-Land Purchase 620 Granville Rd;3-City Hall Front Entrance;4-Add" monies needed for Chase Bldg. floor 2 and basement purchase)

220.103.5532400	Vehicles NPD ATV	32,000.00
220.103.5501	Land Purchase	240,000.00
220.103.5511	Bldg. Improvement	25,000.00
220.103.5238308	Services General	51,409.28

This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2022.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

Resolution No.22-70

BY: _____

A RESOLUTION APPROPRIATING MONIES FOR CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

WHEREAS, to properly, efficiently and expeditiously conduct business of the City of Newark in the best interest of its citizens, there is an immediate requirement for a certain financial transaction as indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO.

Section 1. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$300.00 (Request appropriation of funds from rebate on Naloxone purchase back into the EMS Medical Supply Account)

100.204.5303.100	Medical Supplies	300.00
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Section 2. There is hereby an appropriation of the unappropriated balance of the 220 COVID 19 ARP Fund, in the amount of \$259,183.00 (1-Pool Liner total cost is \$191,683.00 already have \$175k of it; 2-Chase Bldg. heating & cooling project; 3-Traffic signals upgrade; 4-Equipment add ons to 4 NPD vehicles, {\$200k request from 6-20-22})

220.103.5271400	Maint. Bldg. & Grounds	16,683.00
220.103.5271600	Maint. Bldg. & Grounds	120,000.00
220.103.5332300	Traffic Control & Supplies/Parts	66,500.00
220.103.5532300	Vehicles	56,000.00

Section 3. There is hereby an appropriation of the unappropriated balance of the 100 General Fund, in the amount of \$38,300.00 (monies from logging)

100.121.5238	Services General	38,300.00
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This resolution is a measure providing for an appropriation for current expenses of the municipal corporation; it shall go into effect pursuant to Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted this _____ day of _____, 2022.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____

BY: _____

A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL 054-246708-00.000, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING WEST CHURCH STREET WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and,

WHEREAS, Ohio Revised Code Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets as well as the construction or operation of streets; and,

WHEREAS, Ohio Revised Code Section 719.04 requires the legislative authority of a municipal corporation when it is deemed necessary to appropriate property to pass a resolution declaring such intent, defining the purpose of the appropriation and setting forth a property description of the land and the estate or interest desired to be appropriated; and,

WHEREAS, Ohio Revised Code 719.05 only requires one reading of the Resolution required by Ohio Revised Code Section 719.04; and,

WHEREAS, Ohio Revised Code Section 719.05 further requires the Mayor, upon passage of the Resolution to cause written notice to be given to the owner or agent of, person in possession of or person having an interest of record in, every piece of property sought to be appropriated; and,

WHEREAS, this Council recognizes the necessity for maintenance and improvements to West Church Street; and,

WHEREAS, this Council also recognizes the necessity for the appropriation of the property described as in Exhibit A attached hereto for the purposes of maintenance and improvements to West Church Street, such property presently owned by Elton Griffith; and,

WHEREAS, it is immediately necessary to provide for the health, safety and welfare of the citizens of the City of Newark, Ohio, to commence appropriation of the real estate described in Exhibit A in order to meet construction deadlines; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION ONE: This Council, considering it a necessity, hereby declares its intention to appropriate for the maintenance and improvements to West Church Street within the City of

Newark, Ohio, a fee simple interest in the premises as fully described in the attached Exhibit A, the property now owned by Elton Griffith.

SECTION TWO: The Mayor, by and through his designee, is authorized and directed to cause written notice of the passage of this Resolution to be given to the owners of the property and/or the structures thereon and occupants with a possessory interest in the same to be served and returned in accordance with the applicable provisions of the Ohio Revised Code.

SECTION THREE: An emergency is declared to exist to preserve the health, safety and welfare of the City of Newark inhabitants. Therefore, this Resolution shall be immediately effective upon passage as provided in City of Newark Charter, Article 4.07.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law at the request of the Division of Engineering.

BY: _____

A RESOLUTION OF INTENT TO APPROPRIATE THE REAL ESTATE KNOWN AS PARCEL # 020-041304-00.000, NEWARK, LICKING COUNTY, FOR MAINTAINING AND IMPROVING THORNWOOD CROSSING WITHIN THE CITY OF NEWARK, OHIO; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE OWNER OF SUCH LANDS AS REQUIRED BY LAW; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 163 authorizes a public agency to appropriate property or a portion thereof for public use; and,

WHEREAS, Ohio Revised Code Chapter 719 authorizes a municipal corporation to appropriate property for opening, widening, straightening, changing the grade of, and extending streets as well as the construction or operation of streets; and,

WHEREAS, Ohio Revised Code Section 719.04 requires the legislative authority of a municipal corporation when it is deemed necessary to appropriate property to pass a resolution declaring such intent, defining the purpose of the appropriation and setting forth a property description of the land and the estate or interest desired to be appropriated; and,

WHEREAS, Ohio Revised Code 719.05 only requires one reading of the Resolution required by Ohio Revised Code Section 719.04; and,

WHEREAS, Ohio Revised Code Section 719.05 further requires the Mayor, upon passage of the Resolution to cause written notice to be given to the owner or agent of, person in possession of or person having an interest of record in, every piece of property sought to be appropriated; and,

WHEREAS, this Council recognizes the necessity for maintenance and improvements to Thornwood Crossing; and,

WHEREAS, this Council also recognizes the necessity for the appropriation of the property described as in Exhibit A attached hereto for the purposes of maintenance and improvements to Thornwood Crossing, such property presently owned by Kimberly Hiser and Karol Van Runkle; and,

WHEREAS, it is immediately necessary to provide for the health, safety and welfare of the citizens of the City of Newark, Ohio, to commence appropriation of the real estate described in Exhibit A in order to meet construction deadlines; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO, THAT:

SECTION ONE: This Council, considering it a necessity, hereby declares its intention to appropriate for the maintenance and improvements to Thornwood Crossing within the City of Newark, Ohio, a fee simple interest in the premises as fully described in the attached Exhibit A, the property now owned by Kimberly Hiser and Karol Van Runkle.

SECTION TWO: The Mayor, by and through his designee, is authorized and directed to cause written notice of the passage of this Resolution to be given to the owners of the property and/or the structures thereon and occupants with a possessory interest in the same to be served and returned in accordance with the applicable provisions of the Ohio Revised Code.

SECTION THREE: An emergency is declared to exist to preserve the health, safety and welfare of the City of Newark inhabitants. Therefore, this Resolution shall be immediately effective upon passage as provided in City of Newark Charter, Article 4.07.

Passed this _____ day of _____, 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY THE MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law at the request of the Division of Engineering.