

COUNCIL AGENDA

February 3, 2025

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE – Payton Moffitt, 5th grade, McGuffey Elementary

CAUCUS

MINUTES of January 21, 2025

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Service

REPORTS FROM CITY OFFICIALS

There are none this meeting.

COMMUNICATIONS

Mike Davis, President, Junior Achievement of Central Ohio – A ribbon-cutting ceremony for JA Biz Town at the Junior Achievement Learning Center of Newark on February 7th, from 9:00 – 10:00a.m.

Mike Davis, President, Junior Achievement of Central Ohio – The unveiling of the student-ready JA Biz Town and JA Finance Park spaces at the Junior Achievement Learning Center of Newark on February 20th, from 2:00 – 3:00p.m.

PUBLIC HEARING

24-41 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 278 SOUTH 24TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-223428-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RH - HIGH DENSITY ZONING DISTRICT TO TFR - TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 278 S. 24th St. shall be changed to TFR – Two-Family Residence District. Ordinance 24-41 is recommended for passage and approval by Council.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

25-01 AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, DIVISION OF Wastewater Treatment Plant BY ABOLISHING THE CLASSIFICATION (1) OF Industrial Waste Inspector/Operator while CREATING ONE ADDITIONAL CLASSIFICATION OF Operations Technician/Operator and SETTING THE COMPENSATION THEREFORE

ORDINANCES ON FIRST READING

There are none this meeting.

RESOLUTIONS ON SECOND READING

25-01 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE PURCHASE OF A NEW SERVICE TRUCK AND UTILITY BED FOR THE WATER DISTRIBUTION/SEWER MAINTENANCE DEPARTMENT.

RESOLUTIONS ON FIRST READING

25-02 Cooperating with the Ohio Department of Transportation (ODOT) for roadway improvements to West Church Street from North 29th Street to Green Wave Drive, and declaring an emergency.

25-03 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 125 WEST CANAL STREET, NEWARK, OHIO (PARCEL NO. 054-211464-00.000) AND DECLARING AN EMERGENCY

25-04 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 553-555 WEST MAIN STREET, NEWARK, OHIO (PARCEL NO. 054-227640-00.000) AND DECLARING AN EMERGENCY

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT



DAVID RHODES
NEWARK CITY
DIRECTOR OF PUBLIC SERVICE

City Hall
40 West Main Street
Newark, Ohio 43055-5531
www.newarkohio.net

(740) 670-7703
drhodes@newarkohio.net

January 14, 2025

RE: APPLICATION NO. PC-24-50 for Zoning District Change

Location: 278 S. 24th St., Newark, Ohio 43055

Current Zoning Classification: Single-Family Residence, RH- High Density Zoning District

Requested Zoning Classification: TFR Two-Family Residence Zoning District

Owner/Applicant: Mathew Stimpert

Re: **Ordinance No. 24-41** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 278 SOUTH 24TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-223428-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE - RH - HIGH DENSITY ZONING DISTRICT TO TFR - TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

Ladies and Gentlemen:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, January 14, 2025.

Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 278 S. 24th St. shall be changed to TFR – Two-Family Residence District. Ordinance 24-41 is recommended for passage and approval by Council.

Sincerely,

David Rhodes
Newark City Planning Commission Director

Cc: Law Director
Zoning Inspector
City Engineer

ORDINANCE NO. 24-41

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 278 SOUTH 24TH STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-223428-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE – RH-HIGH DENSITY ZONING DISTRICT TO TFR – TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for zoning classification has been filed with Council; and

WHEREAS, pursuant to Article 4.12 of the Charter of the City of Newark, Ohio, this ordinance shall be referred to the Planning Commission immediately after its first reading; and

WHEREAS, the Planning Commission shall hold a public hearing upon such application and the Clerk of Council shall cause notice of such hearing to be publicized one time at least seven (7) days prior to the date of such public hearing; and

WHEREAS, upon the return of the ordinance to Council by the Planning Commission, council shall cause a second reading to be made of this ordinance and shall take such action as is appropriate pursuant to Article 4.12 of the Charter of the City of Newark, Ohio.

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

Section 1: The zoning map as established by Ordinance 08-33 (A) is hereby revised by changing the zoning classification for the following described property from SINGLE-FAMILY RESIDENCE – RH – HIGH DENSITY ZONING DISTRICT TO TFR – TWO-FAMILY RESIDENCE DISTRICT, Zoning Code of the City of Newark.

SEE EXHIBIT “A” FOR LEGAL DESCRIPTION

Section 2: Pursuant to Article 4.12(C) of the Charter of the City of Newark, Ohio, a vote of at least six (6) members shall be necessary to adopt or defeat the ordinance in the event the Planning Commission has recommended approval or has made no recommendation. An affirmative vote of at least seven (7) Council members shall be necessary to adopt a zoning ordinance that the Planning Commission has recommended against approval.

Section 3: The Newark Planning Commission is hereby authorized and directed to make the change described herein on the aforementioned zoning map.

Section 4: This ordinance shall become effective at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 20____.

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED:  _____
Director of Law

DESCRIPTION APPROVED: _____
Brian Morehead, Engineer

Prepared by the Office of the Director of Law

ORDINANCE NO: 25-01

BY: _____

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION, PAY RANGE AND DEPARTMENT AUTHORIZATION TABLES OF THE CITY OF NEWARK, DEPARTMENT OF Public Service, DIVISION OF Wastewater Treatment Plant BY ABOLISHING THE CLASSIFICATION (1) OF Industrial Waste Inspector/Operator while CREATING ONE ADDITIONAL CLASSIFICATION OF Operations Technician/Operator and SETTING THE COMPENSATION THEREFORE

WHEREAS, the Division of Wastewater Treatment Plant has had a cause to review their staffing needs and has determined that alteration is warranted in the organization or structure due to changing workplace needs;

and,

WHEREAS, it is necessary to amend the position authorization and classification/pay range tables to accomplish the foregoing objective;

and,

WHEREAS, the overall position authorization for the division will not change;

and,

WHEREAS, the Personnel Committee considered this matter on 01.06.25, and recommended that it be considered by 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 position of Industrial Waste Inspector/Operator is hereby abolished within the Department of Public Service Division of Wastewater Treatment Plant

SECTION 2: The additional position of Operations Technician/Operator is hereby created within the Department of Public Service Division of Wastewater Treatment Plant

SECTION 3: The position classification/pay range table for the hereby is amended as follows.

SECTION 4: The position of Operations Technician/Operator shall receive compensation and benefits as set forth in the current Pay Range 38 - AFSCME L2963 Collective Bargaining Agreement. This position is in the classified service of the City of Newark.

SECTION 5: This ordinance shall become effective at the earliest time permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, _____

PRESIDENT OF COUNCIL

ATTEST

Clerk of Council

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

MAYOR

APPROVED AS TO FORM

Director of Law

**Strength authorization table*

Position Number	Description	Department	Benefit Group	Position Status
2.713.210.01	Wastewater Facilities Manager	Wastewater Treatment Plant	MGMT EXEMPT	Single
2.713.220.01	Wastewater Facilities Asst Mgr	Wastewater Treatment Plant	MGMT EXEMPT	Single
3.713.330.01	Electro Mechanical Technician	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.340.01	Operations Technician/Operator	Wastewater Treatment Plant	AFSCME-FT	Single
<i>3.713.340.02</i>	<i>Operations Technician/Operator</i>	Wastewater Treatment Plant	<i>AFSCME-FT</i>	
3.713.840.01	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.840.02	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.840.03	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.840.04	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.840.05	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Single
3.713.840.06	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Vacant
3.713.840.07	Plant Operator	Wastewater Treatment Plant	AFSCME-FT	Vacant
3.713.843.01	Utility Operator	Wastewater Treatment Plant	AFSCME-FT	Vacant
3.713.843.02	Utility Operator	Wastewater Treatment Plant	AFSCME-FT	Vacant
3.713.844.01	Maintenance Mechanic/Operator	Wastewater Treatment Plant	AFSCME-FT	Single
4.713.350.01	Instrumentation Technician	Wastewater Treatment Plant	NON-BARG VACA - Non- Bargaining FT Vacation Diff	Single
4.713.694.01	Maintenance Leader	Wastewater Treatment Plant	NON-BARG FT	Single
Current				17
<i>Proposed</i>				<i>17</i>

Environmental Lab

Position Number	Description	Department	Benefit Group	Position Status
2.714.250.01	Chemist	714 - Environmental Lab	MGMT EXEMPT	Single
3.714.330.01	Laboratory Technician	714 - Environmental Lab	AFSCME-FT	Single
<i>3.714.841.01</i>	<i>Industrial Inspector/Operator</i>	<i>714 - Environmental Lab</i>	<i>AFSCME-FT</i>	<i>Single</i>

RESOLUTION NO. 25-01

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO, TO ENTER INTO CONTRACT WITHOUT COMPETITIVE BIDDING, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR THE PURCHASE OF A NEW SERVICE TRUCK AND UTILITY BED FOR THE WATER DISTRIBUTION/SEWER MAINTENANCE DEPARTMENT.

WHEREAS, the City of Newark operates a water distribution and wastewater collection system; and,

WHEREAS, the department requires maintenance vehicles to perform routine and emergency service throughout the system; and,

WHEREAS, there is need to replace an aging service truck to ensure reliable service for current and future customers; and,

WHEREAS, the combined price of the truck and utility be is greater than \$75,000; and,

WHEREAS, due to the vehicle only being available through a single source and pursuant to 10.02(C) of the Charter of the City of Newark, Ohio, it is requested that competitive bidding be waived and allow the Director of Public Service to enter into a purchase agreement to obtain the needed vehicle

WHEREAS, funding from the water and sewer division is available to purchase said vehicle; and,

WHEREAS, the Service Committee of the Newark City Council met on the 6th day of January, 2025 and voted to forward this legislation to full Council for its further consideration.

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

Section 1: The Director of Public Service is hereby authorized and directed to purchase a 2-wheel drive Crew Cab Work Truck and Utility bed, subject to the appropriation of Water and Sewer funds.

Section 2: It is in the best interest of the City and its residents that competitive bidding be waived pursuant 10.02(C) due to the fact the vehicle is currently available for purchase from a single source.

Section 3: This resolution shall become effective at the earliest time permitted in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____ 2025.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Division of Water and Wastewater

BY: _____

Resolution No. 25-02

(ODOT Resolution No. **20-51-A**)

PID No. 104786

FINAL RESOLUTION

Cooperating with the Ohio Department of Transportation (ODOT) for roadway improvements to West Church Street from North 29th Street to Green Wave Drive, and declaring an emergency.

The following Final Resolution enacted by the City of **Newark**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **17th day of August, 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the minor widening of Church Street (C.R. 804) from North 29th Street to Green Wave Drive to add a two way left turn lane including erosion control, drainage upgrades, waterline adjustment, replacement of sanitary sewer service, asphalt concrete surfacing, curb, curb ramps, crosswalk, traffic signal upgrades and pavement markings, lying within the City of Newark; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Million Seven Hundred Sixty-Eight Thousand and - - - - 00/100 Dollars, (\$1,768,000.00) LESS OPWC in the amount of One Million Two Hundred Thousand and - - - - 00/100 Dollars, (\$1,200,000.00), leaving a balance of Five Hundred Sixty-Eight Thousand and - - - - 00/100 Dollars (\$568,000.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above-described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **One Million Seven Hundred Sixty-Eight Thousand and - - - 00/100 Dollars, (\$1,768,000.00) LESS OPWC in the amount of One Million Two Hundred Thousand and - - - 00/100 Dollars, (\$1,200,000.00), leaving a balance of Five Hundred Sixty-Eight Thousand and - - - 00/100 Dollars (\$568,000.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the Treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.
- V. An emergency is declared to exist to meet project deadlines 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.

This is to certify that we have compared the foregoing copy of Resolution _____ with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution _____ was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the Office of the Clerk of Council of the City of Newark, Ohio, in Volume _____, at Page _____, and under the date of _____, 20_____.

Legislative Authority of the
City of **Newark**, Ohio

Adopted the _____ day of _____, 20_____.

President of Council

Attest: _____
Clerk of Council

SEAL
(if applicable)

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved By: _____
Law Director

Contracting Agent - **Service Director**

Prepared by ODOT and the Clerk of Council.

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Newark**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **17th day of August 2020**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the minor widening of Church Street (C.R. 804) from N. 29th Street to Green Wave Drive to add a two way left turn lane including erosion control, drainage upgrades, waterline adjustment, replacement of sanitary sewer service, asphalt concrete surfacing, curb, curb ramps, crosswalk, traffic signal upgrades and pavement markings, lying within the City of Newark; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of **One Million Seven Hundred Sixty-Eight Thousand and - - - 00/100 Dollars, (\$1,768,000.00) LESS OPWC in the amount of One Million Two Hundred Thousand and - - - 00/100 Dollars, (\$1,200,000.00) leaving a balance of Five Hundred Sixty-Eight Thousand and 00/100 Dollars, (\$568,000.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **One Million Seven Hundred Sixty-Eight Thousand and - - - 00/100 Dollars, (\$1,768,000.00) LESS OPWC in the amount of One Million Two Hundred Thousand and - - - 00/100 Dollars, (\$1,200,000.00) leaving a balance of Five Hundred Sixty-Eight Thousand and 00/100 Dollars, (\$568,000.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Newark**, Ohio

Service Director

SEAL
(If Applicable)

Clerk (Secretary Ex-Officio)

FISCAL OFFICER'S CERTIFICATE

(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$568,000.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **C.R. 804 - 0.96 Church Street**, lying within the corporate limits of the City of **Newark**, more particularly described as follows:

The project consists of the minor widening of Church Street (C.R. 804) from N. 29th Street to Green Wave Drive to add a two way left turn lane including erosion control, drainage upgrades, waterline adjustment, replacement of sanitary sewer service, asphalt concrete surfacing, curb, curb ramps, crosswalk, traffic signal upgrades and pavement markings, lying within the City of Newark; and

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Newark**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page _____,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this _____ day of _____, 20____.

(Fiscal Officer's Seal)
(If Applicable)

Fiscal Officer of the City of
Newark, Ohio

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Newark**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of the minor widening of Church Street (C.R. 804) from N. 29th Street to Green Wave Drive to add a two way left turn lane including erosion control, drainage upgrades, waterline adjustment, replacement of sanitary sewer service, asphalt concrete surfacing, curb, curb ramps, crosswalk, traffic signal upgrades and pavement markings, lying within the City of Newark.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **One Million Seven Hundred Sixty-Eight Thousand and - - - 00/100 Dollars, (\$1,768,000.00) LESS OPWC in the amount of One Million Two Hundred Thousand and - - - 00/100 Dollars, (\$1,200,000.00) leaving a balance of Five Hundred Sixty-Eight Thousand and 00/100 Dollars, (\$568,000.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Newark
40 W. Main Street
Newark, Ohio
43055

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 4th Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of **Newark**

Director of Transportation

Service Director

Date

Approved:
Dave Yost
Attorney General of Ohio

By:_____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

RESOLUTION NO. 25-03

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 125 WEST CANAL STREET, NEWARK, OHIO (PARCEL NO. 054-211464-00.000) AND DECLARING AN EMERGENCY

WHEREAS, on December 2, 2024 this Council authorized pursuant to Ordinance 13-35, the placement of a lien against the property located at and known as 125 West Canal Street, Newark, Ohio (“Property”) in the amount of \$550.31 as and for delinquent water, sewer, and stormwater accounts; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, EF Mortgage, LLC filed a foreclosure action in the Licking County Common Pleas Court concerning the Property; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, EF Mortgage LLC was granted judgment in foreclosure on June 17, 2024 by the Licking County Common Pleas Court and the Property sold at a public Sheriff’s sale to a third party on September 26, 2024; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, the Sheriff’s sale selling the properties to a third party was confirmed by the Licking County Common Pleas Court on November 19, 2024, pursuant to law via Judgment Entry; and,

WHEREAS, the release of the lien underlying the Property in question will appropriately reflect the impact of the foreclosure proceeding and subsequent sale of the Property to a new owner with whom the City of Newark no longer has a claim for delinquent water, sewer, and stormwater accounts; and

WHEREAS, an emergency exists in that to protect the best interests of the residents of the City of Newark, the lien must be released in light of the aforementioned foreclosure and sale proceedings.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to release the lien previously authorized by the Council at Ordinance 13-35 as against the property located at and known as 125 West Canal Street, Newark, Ohio and to prepare, execute, and record any and all necessary documents to facilitate the release thereof.

SECTION TWO: This Resolution shall become immediate upon approval as an emergency for the reasons as stated herein pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2025.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law

RESOLUTION NO. 25-04

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 553-555 WEST MAIN STREET, NEWARK, OHIO (PARCEL NO. 054-227640-00.000) AND DECLARING AN EMERGENCY

WHEREAS, on December 2, 2024 this Council authorized pursuant to Ordinance 13-35, the placement of a lien against the property located at and known as 553-555 West Main Street, Newark, Ohio (“Property”) in the amount of \$612.74 as and for delinquent water, sewer, and stormwater accounts; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, Civic Real Estate Holdings III, LLC filed a foreclosure action in the Licking County Common Pleas Court concerning the Property; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, Civic Real Estate Holdings III, LLC was granted judgment in foreclosure on June 5, 2024 by the Licking County Common Pleas Court and the Property sold at a public Sheriff’s sale to a third party on September 26, 2024; and,

WHEREAS, prior to the filing of the lien with the Licking County Auditor’s Office on December 16, 2024, the Sheriff’s sale selling the properties to a third party was confirmed by the Licking County Common Pleas Court on November 19, 2024, pursuant to law via Judgment Entry; and,

WHEREAS, the release of the lien underlying the Property in question will appropriately reflect the impact of the foreclosure proceeding and subsequent sale of the Property to a new owner with whom the City of Newark no longer has a claim for delinquent water, sewer, and stormwater accounts; and

WHEREAS, an emergency exists in that to protect the best interests of the residents of the City of Newark, the lien must be released in light of the aforementioned foreclosure and sale proceedings.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to release the lien previously authorized by the Council at Ordinance 13-35 as against the property located at and known as 553-555 West Main Street, Newark, Ohio and to prepare, execute, and record any and all necessary documents to facilitate the release thereof.

SECTION TWO: This Resolution shall become immediate upon approval as an emergency for the reasons as stated herein pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2025.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

Prepared by the Office of the Director of Law