

March 13, 2025

**SERVICE COMMITTEE**

March 17, 2025

Council Chambers

Following Street Committee

*Committee and Council Meetings can be viewed by accessing YouTube*

**AGENDA**

1. Consider **Resolution No. 25-15** A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN REAL PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS.
2. Consider **Ordinance No. 25-11** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2236 RIVER ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-225738-00.000 AND #054-225744-00.000 FROM THAT OF MFC - MULTI-FAMILY CONDO ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO
3. Other items at the discretion of the Chair

RESOLUTION NO. 25-15

BY: \_\_\_\_\_

**A RESOLUTION AUTHORIZING NEWARK DEVELOPMENT PARTNERS TO ACT AS AGENT FOR THE CITY OF NEWARK FOR THE SALE OF CERTAIN REAL PROPERTY AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NEWARK DEVELOPMENT PARTNERS GOVERNING THE SALE AND DISTRIBUTION OF PROCEEDS**

**WHEREAS**, the City of Newark and Newark Development Partners have entered into an Amended Designated Agency Agreement authorizing the transfer of real property owned by the City and controlling the manner in which such property may then be developed and/or transferred by Newark Development Partners and the manner in which any revenues generated from such development and transfer are to be disbursed; and,

**WHEREAS**, the City desires to enter into a special Memorandum of Understanding with Newark Development Partners as to the particular method and terms by which the property is to be sold and the required distribution of funds; and

**WHEREAS**, the subject property, because of its size, location, and zoning restrictions, is not currently suitable for any municipal purpose; and,

**WHEREAS**, the sale of the subject real property would promote the general welfare and stabilize the neighborhood in question, assist in development, and promote the reclamation, rehabilitation, and reutilization of such real property; and,

**WHEREAS**, this matter was considered in regular session of the Service Committee who voted to refer the same to full Council for consideration.

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

SECTION ONE: The Director of Public Service is hereby authorized to enter into a Memorandum of Understanding with Newark Development Partners who shall act as agent for the City of Newark for the sale of the following listed parcel of real property located within the City of Newark:

37 South Morris Street, Newark, Ohio, Parcel #054-203964-00.000

SECTION TWO: Council hereby declares the subject real property to no longer be needed by the City of Newark, Ohio for any municipal purpose and that the City's interests are best served by sale of the property by Newark Development Partners subject to the agreed upon

Memorandum of Understanding containing the terms of sale and the disbursement of proceeds generated therefrom.

SECTION THREE: This Resolution shall become effective at the earliest date permitted pursuant to Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

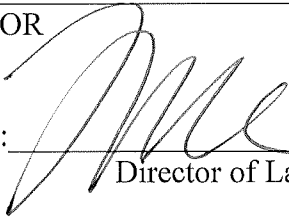
ATTEST: \_\_\_\_\_  
Clerk of Council

DATE FILED WITH MAYOR: \_\_\_\_\_

DATE APPROVED BY MAYOR: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

FORM APPROVED: \_\_\_\_\_

  
Director of Law

Prepared by the Office of the Director of Law

**MEMORANDUM OF UNDERSTANDING FOR ACCEPTANCE AND DISPOSITION  
OF REAL PROPERTY**

This Memorandum of Understanding is made between the City of Newark (“City”) and Newark Development Partners (“NDP”), an Ohio non-for-profit corporation organized as a community improvement corporation under Chapter 1724 of the Ohio Revised Code, for and only as pertains to the sale of the following listed parcel of real property located within the City of Newark:

<u>ADDRESS</u>	<u>PARCEL NO.</u>
37 South Morris Street	054-203964-00.000

WHEREAS, the City owns the above parcel of real estate with the listed Licking County tax parcel number (the “Property”) which have been determined to be of no value in its current state of development and not currently suitable for any municipal purpose; and,

WHEREAS, NDP has been designated as an agency of the City of Newark for future commercial and retail growth and development, pursuant to a Designated Agency Agreement effective October 15, 2012, as amended April 27, 2016, and March 20, 2023; and,

WHEREAS, the City has determined that the conveyance of the Property would serve a public purpose for the benefit of the City; and,

WHEREAS, the City wishes to convey the Property to NDP for disposition with the terms and conditions described herein; and,

WHEREAS, NDP wishes to accept the Property on such terms and conditions.

NOW, THEREFORE, the parties agree as follows:

1. The Property shall be conveyed to NDP in fee simple by quit claim deed, free of all encumbrances subject only to such easements, rights of way, conditions and restrictions of record, legal highways, zoning ordinances or resolutions.
2. NDP agrees to sell the property for at least the appraised value of said property.
3. Upon sale of the property, NDP shall retain from the proceeds of the sale the costs associated with the sale which may include, but are not limited to, title examination, title insurance commitment and policy, survey if required for transfer of title, marketing costs including real estate brokerage costs, conveyance fees, and NDP’s service fee. The balance of the proceeds of the sale shall be paid by NDP to the City of Newark, Ohio.

4. This Agreement shall survive the closing of the transaction by which the property is transferred from the City to NDP, and it may not be modified or amended except by a writing agreed to and signed by both parties.
5. It is the intention of the parties that the laws of the State of Ohio shall govern the validity of this Agreement, the construction of its terms, and the interpretation of the rights and obligations of the parties. Venue shall be deemed to be in Licking County.
6. In the event that a court of competent jurisdiction finds that any one or more of the provisions contained herein is invalid, illegal, or unenforceable, such holding shall not affect any other provision hereof, and this Agreement shall be construed as though the invalid, illegal, or unenforceable provision had never been contained herein.

**IN WITNESS WHEREOF**, the undersigned have hereunto caused their names to be subscribed to this Agreement, by authority of Resolution of the City Council of the City of Newark, Ohio and Resolution of the Board of Directors of Newark Development Partners on the dates set forth beneath each signature.

Newark Development Partners

By: \_\_\_\_\_

C. Daniel DeLawder, Chairman

Date: \_\_\_\_\_

City of Newark, Ohio

By: \_\_\_\_\_

Director of Public Service

Date: \_\_\_\_\_

ORDINANCE NO. 25-11

BY: \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 2236 RIVER ROAD, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-225738-00.000 AND, #054-225744-00.000, FROM THAT OF MFC – MULTI-FAMILY CONDO ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE ZONING 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 MFC – MULTI-FAMILY CONDO ZONING DISTRICT TO MFR – MULTI-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

**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\_\_\_\_.

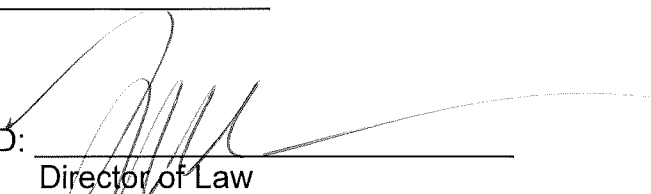
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

EXHIBIT A

LINDSEY DESCRIPTION  
18.723 ACRE PARCEL

Situated in the Lot 1, Second Range of Lots as surveyed by the Licking Land Company, 4<sup>th</sup> Quarter, Township 2N, Range 13W, USML, City of Newark, County of Licking, State of Ohio, and being part of the John R. Lindsey parcel as recorded in Instrument Number 202103090007176, all references are the Records of the Licking County Recorder, said parcel being further described as follows:

Commencing at the centerline intersection of River Road, a.k.a. Township Road 131 and Thornwood Drive, a.k.a. Township Road 134;

Thence, North 85° 53' 16" West, 891.10 feet, along the centerline of said River Road, to a point, said point being the southeast corner of the 1.5 acre, Newark Redwood Combined LLC parcel, as recorded in Instrument Number 202311080020599;

Thence, North 03° 44' 13" East, 47.14 feet, along the east line of said Newark Redwood Combined LLC parcel, passing a 3/4" O.D. iron pipe found at 29.11 feet, to an iron pin set, said point also being the **True Point of Beginning** for the parcel herein described;

Thence, North 03° 21' 44" East, 483.61 feet, continuing along the east line of said Newark Redwood Combined LLC parcel, to an iron pin set at a southeast corner of the 4.653 acre, Newark Redwood Combined LLC parcel, as recorded in Instrument Number 202311080020599;

Thence, North 03° 23' 45" East, 149.97 feet, along the east line of said 4.653 acre, Newark Redwood Combined LLC parcel, to the southeast corner of the Newark Redwood Combined LLC parcel, as recorded in Instrument Number 202311080020598, witnessed by a 5/8" dia. Iron pin found, South 25° 15' 16" East, 0.22 feet from said corner;

Thence, North 03° 59' 31" East, 911.24 feet, along the east line of said Newark Redwood Combined LLC parcel, to an iron pin set at the southeast corner of the Licking Land Trust parcel, as recorded in Instrument Number 200802010002322;

Thence, North 03° 59' 31" East, 257.78 feet, along the east line of said Licking Land Trust parcel, to an iron pin set on the south line of the Thomas J. Evans Foundation parcel, as recorded in Deed Book 809 at Page 1018;

Thence, South 37° 55' 48" East, 1134.33 feet, along the south line of said Thomas J. Evans Foundation parcel, to an iron pin set on the west Right of Way line of Thornwood Crossing, (Width Varies);

Thence, along the west Right of Way line of said Thornwood Crossing the following nine (9) courses:

South 45° 09' 31" West, 132.66 feet, to an iron pin set;

South 24° 53' 03" West, 141.20 feet, to an iron pin set;

South 02° 08' 08" West, 281.99 feet, to a 5/8" dia. iron pin found;

South 67° 49' 01" West, 70.45 feet, to a 5/8" dia. iron pin found;

DESCRIPTIONS  
**APPROVED** FOR ZONING  
PURPOSES  
By [Signature]  
Div. of Engineering  
City of Newark, Ohio  
18.723 ACRES ± 1.30/ACRES  
3 ACRES



South 52° 30' 12" West, 170.79 feet, to a 5/8" dia. iron pin found;

South 44° 53' 22" West, 201.20 feet, to an iron pin set;

South 44° 07' 22" West, 57.72 feet, to an iron pin set;

South 04° 02' 46" West, 18.48 feet, to an iron pin set;

Continuing and along a non-tangent curve to the right, having a Delta of 33° 43' 34", a Radius of 475.87 feet, an arc length of 280.11 feet, a chord length of 276.08 feet which bears South 75° 50' 16" West, to the **True Point of Beginning**.

Containing 18.723 Acres, of which 4.694 acres are in PN 54-225738-00.000 and 14.029 acres are in PN 54-225744-00.000, more or less, subject to all legal highways, all limitations of public access to highways, leases, zoning regulations, easements of record and restrictive covenants.

Subject To a Perpetual Easement for a Channel, ODOT Parcel 11-CH, as recorded in Instrument Number 202306300011547;

All iron pins set are 5/8" dia. x 30" long, rebar with Orange ID Cap.

Bearings are based on Centerline of River Road Avenue, being North 85° 53' 16" West, Ohio State Plane Grid, South Zone NAD83(2011).

PN 54-225738-00.000 and Part of PN 54-225744-00.000

This Description is based on a survey made under the direct supervision of Todd D. Willis in July 2024, Reg. Surveyor No. 7996. Phone No. 740-739-4030, Willis Engineering & Surveying.

*Todd D. Willis*  
7-15-2024

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="checked" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>[Signature]</i>
DATE:	7/16/24

EXHIBIT A

LINDSEY DESCRIPTION  
1.301 ACRE REMAINDER

Situated in the Lot 1, Second Range of Lots as surveyed by the Licking Land Company, so called, 4<sup>th</sup> Quarter, Township 2N, Range 13W, USML, City of Newark, County of Licking, State of Ohio, and being part of the John R. Lindsey parcel as recorded in Instrument Number 202103090007176, all references are the Records of the Licking County Recorder, said parcel being further described as follows:

Commencing at the centerline intersection of River Road, a.k.a. Township Road 131 and Thornwood Drive, a.k.a. Township Road 134;

Thence, North 02° 08' 17" East, 214.69 feet, along the centerline of said Thornwood Drive, to a point;

Thence, South 60° 13' 34" West, 146.53 feet, to an iron pin set, said point also being the **True Point of Beginning** for the parcel herein described;

Thence, along the Public Right of Way line of Thornwood Crossing, the following six (6) courses;

South 51° 53' 04" West, 135.20 feet, to an iron pin set;

North 85° 59' 16" West, 232.64 feet, to an iron pin set;

North 27° 14' 50" West, 58.34 feet, to an iron pin set;

North 44° 08' 56" East, 264.51 feet, to an iron pin set;

South 55° 29' 50" East, 155.60 feet, to an iron pin set;

South 31° 23' 22" East, 101.15 feet, to the **True Point of Beginning**.

Containing 1.301 Acres, more or less, subject to all legal highways, all limitations of public access to highways, leases, zoning regulations, easements of record and restrictive covenants.

All iron pins set are 5/8" dia. x 30" long, rebar with Orange ID Cap.

Bearings are based on Centerline of River Road Avenue, being North 85° 53' 16" West, Ohio State Plane Grid, South Zone NAD83(2011).

Part of PN 54-225744-00.000

This Description is based on a survey made under the direct supervision of Todd D. Willis in July 2024, Reg. Surveyor No. 7996. Phone No. 740-739-4030, Willis Engineering & Surveying.

*Todd Willis*  
7-15-2024



PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
<input checked="checked" type="checkbox"/>	<input type="checkbox"/>
APPROVED BY: <i>[Signature]</i>	
DATE: 7/16/24	