

COUNCIL AGENDA

May 6, 2024

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers
7:00 P.M.

ROLL CALL

INVOCATION – Ms. Bline

PLEDGE OF ALLEGIANCE – Noella Flint, 1st grade, Par Excellence STEM Academy
Brooke Adams, 6th grade, Par Excellence STEM Academy

CAUCUS

MINUTES of April 15, 2024

APPOINTMENTS

There are none this meeting.

REPORTS OF STANDING COMMITTEES

Finance
Service
Capital Improvements

REPORTS FROM CITY OFFICIALS

City Auditor, Ryan T. Bubb – Operating report for period ending April 30, 2024

COMMUNICATIONS

Ohio Division of Liquor Control - New Liquor Permit Application Short and Stout Mobile Bar LLC., DBA MNCHS, 56 W. Main St., Newark, OH 43055

Ohio Division of Liquor Control – Transfer application from C&C Properties LLC, dba Jugz, 420 W. Main St. and Patios, Newark, OH 43055 to Crosswhite Properties LLC dba Jugz, 420 W. Main St. & Patios, Newark, OH 43055

Letter from Ruthanne and Bill Isenhardt regarding rainwater runoff at the confluence of Krebs Dr. and Pleasant Valley Dr.

PUBLIC HEARING

24-01 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 326 BELLE VISTA AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-191040-00.000 AND PARCEL TAX ID #054-191046-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCES - RH - HIGH DENSITY DISTRICT TO MFR - MULTI-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, March 12, 2024. Upon consideration of the information presented, the following actions are recommended:

1. The zoning classification for the parcel at 326 Belle Vista Ave. shall remain Single-Family Residence, RH – High Density District. Ordinance 24-01 is not recommended for passage and approval by Council.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

24-14 AN ORDINANCE VACATING PORTIONS OF A FOURTEEN (14) FOOT WIDE ALLEYS AS SHOWN ON THE PLAT OF LEWIS EVAN’S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 161 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEYS ARE LOCATED WEST OF VINE STREET, NORTH OF STATE ROUTE 16.

ORDINANCES ON FIRST READING

24-15 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 417 GARFIELD AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID# 054-196872-00.000, FROM THAT OF SINGLE-FAMILY RESIDENCE RH – HIGH DENSITY DISTRICT TO TFR – TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

RESOLUTIONS ON SECOND READING

24-30 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO RENAME TOWNE COMMONS PARK AKA FRONT STREET PARK AKA EASY STREET PARK, PARCEL NO. 054-258866-00.000 AS HOPE PARK.

24-32 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE

REPLACEMENT PROJECT #5 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

RESOLUTIONS ON FIRST READING

24-35 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF TWO (2) VEHICLES.

24-36 APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

24-37 Exp APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION

24-38 A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK AND NEWARK DEVELOPMENT PARTNERS TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO HISTORY CONNECTION STATE HISTORIC PRESERVATION OFFICE 2024 CERTIFIED LOCAL GOVERNMENT GRANT.

24-39 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF HEATH AND THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT FOR PHASE ONE OF THE THORNWOOD DRIVE-FAYE ROAD INTERSECTION IMPROVEMENTS PROJECT

24-40 A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, AND THE CITY OF HEATH FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THORNWOOD DRIVE KNOWN AS THE THORNWOOD DRIVE PROJECT

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO. 24-01

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 326 BELLE VISTA AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-191040-00.000 AND PARCEL TAX ID #054-191046-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE – RH – HIGH DENSITY DISTRICT TO MFR – MULTI-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 DISTRICT TO MFR – MULTI-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

BY: _____

AN ORDINANCE VACATING PORTIONS OF A FOURTEEN (14) FOOT WIDE ALLEYS AS SHOWN ON THE PLAT OF LEWIS EVAN'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 161 OF THE LICKING COUNTY PLAT RECORDS; SAID ALLEYS ARE LOCATED WEST OF VINE STREET, NORTH OF STATE ROUTE 16.

WHEREAS, Newark City Council received a petition from owners of real estate in the City of Newark praying for the herein described alley vacation; and,

WHEREAS, the Street Committee of the City of Newark met on April 1, 2024, and considered the procedure as outlined in Section 723.06 of The Ohio Revised Code whereby notice of the intention to vacate is not required, and approved the preparation and submittal of this legislation for Council consideration, in accordance with Section 723.06 of The Ohio Revised Code; and,

WHEREAS, this Council finds there is good cause for such vacation and that such vacation will not be detrimental to the general interest.

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

Section 1: The following described alley is hereby vacated, reserving, however, unto the City of Newark, Ohio, its successors and assigns, easements for construction, maintenance, and operation of various utilities, publicly owned and otherwise, to wit:

Being in the State of Ohio, County of Licking, City of Newark, and being portions of fourteen (14') foot wide intersecting alleys running north-south and east-west, lying between Vine Street and Lawrence Street, north of State Route 16, as shown on the Plat of Lewis Evan's Addition as recorded in Plat Book 2 at Page 161 of the Licking County Plat Records, and being more particularly described as follows:

Beginning for a point of reference at the southeast corner of Lot 986 of said Evan's Addition, said point being on the west line of Vine Street and the north line of a 14 foot wide east-west alley;

Thence west along the south line of Lot 986 a distance of 68 feet to a point at the southwest corner of Parcel 054-198990-01.000, said point marking the True Place of Beginning of the alleys to be vacated;

Thence from the True Place of Beginning, west along the south line of Lot 986 to the southwest corner of said Lot 986, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence north along the west lines of Lot 986, 988 and 989 to the Penn Central Corporation and St. Louis Railroad right-of-way line;

Thence southwest, crossing said alley, to the northeast corner of Lot 987 of said Evan's Addition, said point being on the west line of the subject north-south alley;

Thence south along the east line of Lot 987 to the southeast corner of Lot 987, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence west along the south line of Lot 987 to the southwest corner of said Lot 987, said point also being on the Penn Central Corporation and St. Louis Railroad right-of-way line;

Thence south, crossing said alley, to the northwest corner of Lot 984 of said Evan's Addition, said point being on the south line of the subject east-west alley;

Thence east along the north line of Lot 984 to the northeast corner of Lot 984, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence south along the east line of Lot 984 to the Limited Access Right of Way of State Route 16;

Thence east along the Limited Access Right-of-Way of State Route 16, to a point on the west line of Lot 985 of said Evan's Addition, said point being on the east line of the subject north-south alley;

Thence north along the west line of Lot 985 to the northwest corner of Lot 985, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence east along the north line of Lot 985 a distance of 82 feet to a point;

Thence north, crossing said alley perpendicularly, to the True Place of Beginning.

This description was written based on information provided in existing plat and tax records, without the benefit of a field survey.

Section 2: The Division of Engineering of the City of Newark is hereby instructed to prepare a vacation plat of said vacated alley and the Clerk of Council is instructed to endorse upon such plat the action of this Council, and to cause such plat to be recorded in the Office of the Recorder of Licking County, Ohio.

Section 3: This Ordinance shall become effective at the earliest time permitted by law after passage by Council and signature of the Mayor.

Adopted this _____ day of _____, 2024.

President of Council

Attest: _____

Date Filed with Mayor: _____

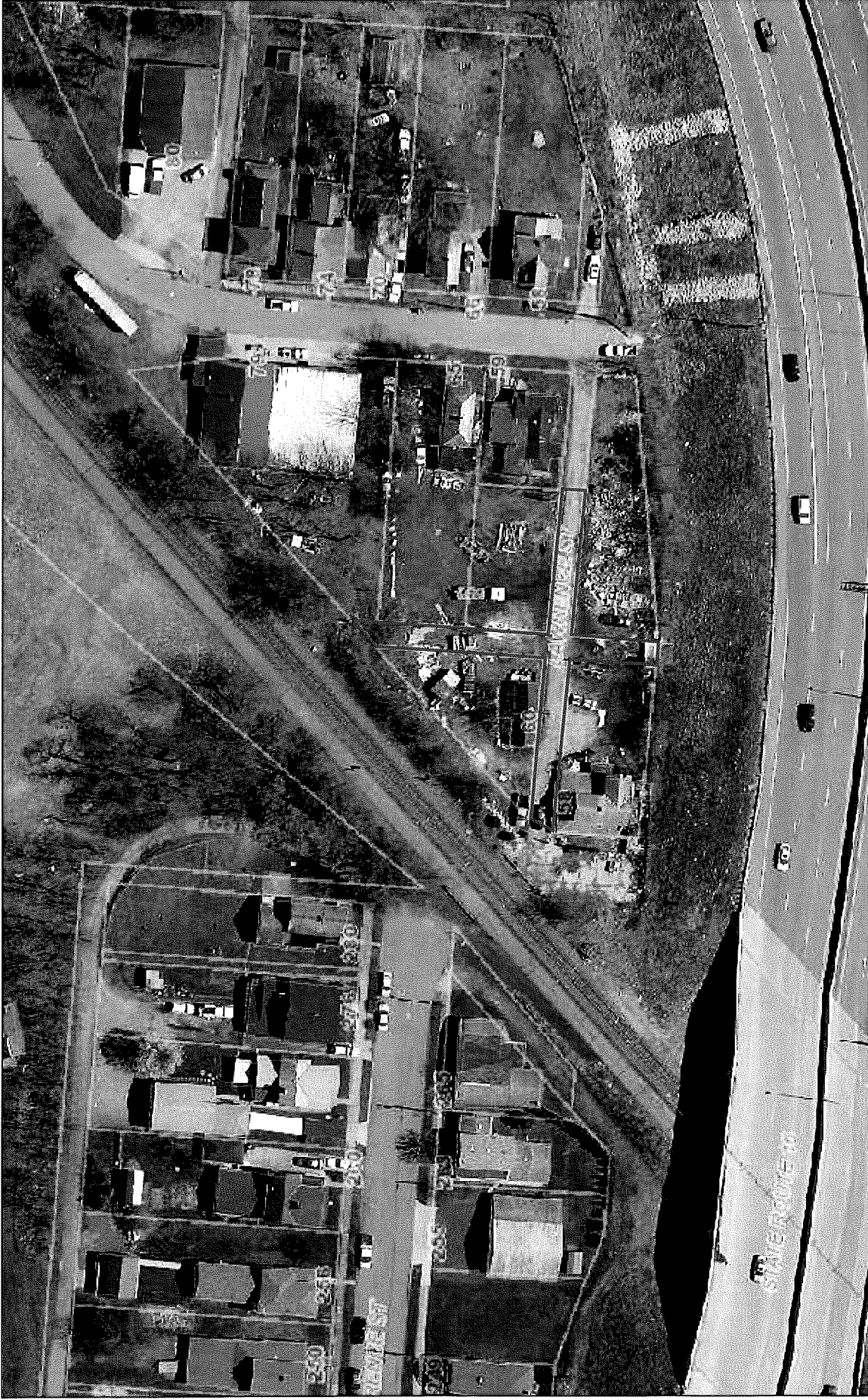
Date Approved by Mayor: _____

Mayor

Form Approved by: _____
Law Director

Prepared by the Division of Engineering.

Proposed Street/Alley vacation - Vine St.



March 14, 2024

OHLICK02027_6.sid

Red: Band_1

Green: Band_2

Blue: Band_3

OHLICK020019_5.sid

Red: Band_1

Green: Band_2

Blue: Band_3

OHLICK008027_2.sid

Red: Band_1

Green: Band_2

Blue: Band_3

OHLICK007019_1.sid

Red: Band_1

Green: Band_2

Blue: Band_3

1:960

0 40 80 120 160 ft

0 12.5 25 50 m

1 in = 80 ft

PETITION TO VACATE A STREET OR ALLEY

**TO THE COUNCIL OF
THE CITY OF NEWARK
STATE OF OHIO**

The undersigned, being the owners of all of the lots and lands abutting the street or alley proposed to be vacated by this petition, said street or alley being more fully described hereinafter, respectfully petition your honorable body that the said street or alley may be vacated for the reason that it is no longer of use to the public, and that its vacation will not be detrimental to the general interest. The said street or alley is described as follows:

PROPOSED ALLEY VACATION – Alleys located west of Vine Street, north of State Route 16

Being in the State of Ohio, County of Licking, City of Newark, and being portions of fourteen (14') foot wide intersecting alleys running north-south and east-west, lying between Vine Street and Lawrence Street, north of State Route 16, as shown on the Plat of Lewis Evan's Addition as recorded in Plat Book 2 at Page 161 of the Licking County Plat Records, and being more particularly described as follows:

Beginning for a point of reference at the southeast corner of Lot 986 of said Evan's Addition, said point being on the west line of Vine Street and the north line of a 14 foot wide east-west alley;

Thence west along the south line of Lot 986 a distance of 68 feet to a point at the southwest corner of Parcel 054-198990-01.000, said point marking the True Place of Beginning of the alleys to be vacated;

Thence from the True Place of Beginning, west along the south line of Lot 986 to the southwest corner of said Lot 986, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence north along the west lines of Lot 986, 988 and 989 to the Penn Central Corporation and St. Louis Railroad right-of-way line;

Thence southwest, crossing said alley, to the northeast corner of Lot 987 of said Evan's Addition, said point being on the west line of the subject north-south alley;

Thence south along the east line of Lot 987 to the southeast corner of Lot 987, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence west along the south line of Lot 987 to the southwest corner of said Lot 987, said point also being on the Penn Central Corporation and St. Louis Railroad right-of-way line;

Thence south, crossing said alley, to the northwest corner of Lot 984 of said Evan's Addition, said point being on the south line of the subject east-west alley;

Thence east along the north line of Lot 984 to the northeast corner of Lot 984, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence south along the east line of Lot 984 to the Limited Access Right of Way of State Route 16;

Thence east along the Limited Access Right-of-Way of State Route 16, to a point on the west line of Lot 985 of said Evan's Addition, said point being on the east line of the subject north-south alley;

Thence north along the west line of Lot 985 to the northwest corner of Lot 985, said point marking the intersection of 14 foot wide alleys running east-west and north-south;

Thence east along the north line of Lot 985 a distance of 82 feet to a point;

Thence north, crossing said alley perpendicularly, to the True Place of Beginning.

This description was written based on information provided in existing plat and tax records, without the benefit of a field survey.

Respectfully submitted,

(Print--Do not print or sign as Mr. or Mrs., you must sign with your given name.)

NAME OF PARCEL OWNERS ADDRESS SIGNATURE

LICKING COUNTY LAND _____ Brenda L. Fox

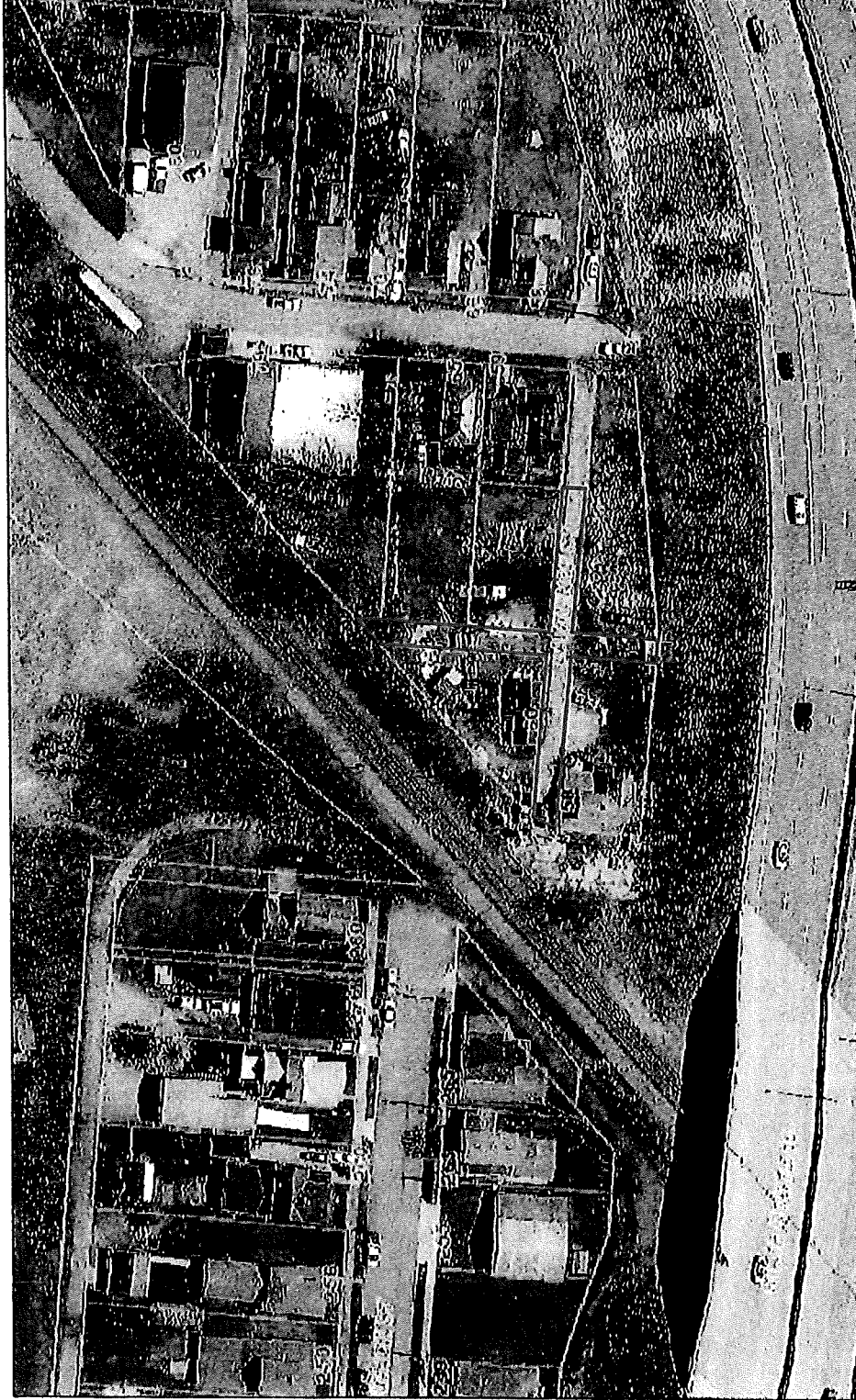
REUTILIZATION CORP. 20 S. 2ND ST. - NEWARK _____

Jonathan L. Lind

UMW Properties - Lawrence Walker 59 Vine St Newark Zylor

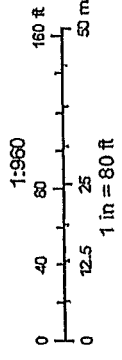


Proposed Street/Alley vacation - Vine St.



March 14, 2024

- OHLCIK020027_6.sid Red: Band_1 OHLCIK008027_2.sid Red: Band_1 OHLCIK007019_1.sid Red: Band_1
- Green: Band_2 Green: Band_2 Green: Band_2 Green: Band_2
- Blue: Band_3 Blue: Band_3 Blue: Band_3 Blue: Band_3



BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 417 GARFIELD AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID# 054-196872-00.000, FROM THAT OF SINGLE-FAMILY RESIDENCE RH – HIGH DENSITY DISTRICT TO TFR – TWO-FAMILY RESIDENCE DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

WHEREAS, an application for change of zoning classification has been filed with the Office of the Engineer and with the Clerk of this 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 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, which hearing shall constitute a second reading 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 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

NOTICE OF HEARING

Notice is hereby given that the Newark City Council shall at a later date to be determined and announced hereafter, take action upon Ordinance No. _____. Said Ordinance accepts a proposed amendment to the Zoning Map attached to Ordinance 08-33 (A) which would allow the change of zoning classification of certain real property, generally described as 417 Garfield Avenue, City of Newark, Licking County, Ohio. The amendment would change the zoning of the property from Single-Family Residence RH – High Density District to TFR – Two-Family Residence District, , Zoning Code of the City of Newark, Ohio.

The text or a copy of the text of such Ordinance, together with a copy of Ordinance 08-33 (A) and the Zoning Map attached thereto, and the maps, plans, and reports submitted by the Newark Planning Commission relative to said zoning are on file, for public examination, in the office of the Clerk of Newark City Council, 40 West Main Street, Newark, Ohio.

Notice is further given that a public hearing on said Ordinance shall be held before the Newark City Council during the meeting of Council which begins at 7:00 p.m. on _____, at which time and place any interested person may be heard.

BY ORDER OF THE CITY COUNCIL OF NEWARK, OHIO.

JANINE PAUL
Clerk of Council

TO THE ADVOCATE

Please publish the foregoing Notice of Hearing one day only, to wit: on _____.

JANINE PAUL
Clerk of Council

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Sep 22, 2022

0212120123A254108000

0212120123A254109000

TRANSFERRED

Sep 22, 2022
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: TG 240.00

InstrID:202209220023090	9/22/2022
Pages:2 F: \$34.00	9:27 AM
Bryan A. Long	T20220024596
Licking County Recorder	

AMBASSADOR TITLE MAILBOX
19782

GENERAL WARRANTY DEED*
(See Sections 5302.05 and 5302.06 of Ohio Revised Code)

C.J.W. Limited, an Ohio Limited Liability Company, organized and existing under the laws of the State of Ohio, for valuable consideration paid, grants, with general warranty covenants, to **Mid Ohio Property Management, LLC**, an Ohio Limited Liability Company, the following REAL PROPERTY:

Situated in the State of Ohio, County of Licking, and in the City of Newark and being further described as follows:

PARCEL NO. 1: Being Inlot Thirty-Eight Hundred Sixty-Four (3864) in Augustus H. Heisey's Addition tot he City of Newark, Ohio, according to a plat thereof recorded in Volume 3, page 254, of the Records of Plat in the Recorder's Office of said County.

PARCEL NO. 2: Being Inlot Thirty-Eight Hundred Sixty-Five (3865) in Augustus H. Heisey's Addition tot he City of Newark, Ohio, according to a plat thereof recorded in Volume 3, page 254, of the Records of Plat in the Recorder's Office of said County.

Parcel No: 054-196872-00.000
Property Address: 417 Garfield Avenue, Newark, OH 43055

EXCEPT real estate taxes and special assessments, if any, which grantors and grantees respectively shall pay pro-rata, as estimated to and from the date of closing and SUBJECT to restrictions, easements, rights of way and leases of record.

Prior Instrument Reference: Instrument #200207230027116 of the Records of Licking County, Ohio.

C.J.W. Limited, an Ohio Limited Liability Company, grantor has caused its name to be subscribed hereto by William E. Hoekstra, Member, thereunto duly authorized by its Members.

DESCRIPTION
APPROVED *For zoning*
By *Ben Wood 9/5/24*
Div. of Engineering
City of Newark, Ohio

Executed on this 20th day of September, 2022.

C.J.W. Limited,
an Ohio Limited Liability Company

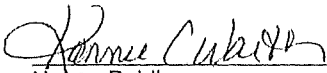

by: William E. Hoekstra, Member

State of Ohio, County of Licking, ss:

This is an acknowledgement clause. No oath or affirmation was administered to the signer:

Before me, a Notary Public in and for said County and State, personally appeared William E. Hoekstra, Member of C.J.W. Limited, an Ohio Limited Liability Company, whose identity was known or proven to me and who did sign the foregoing instrument and acknowledge the signing hereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto set my hand and official seal at Newark, Ohio, this 20th day of September, 2022.


Notary Public



KONNIE C WARTH
Notary Public, State of Ohio
My Commission Expires 09-09-2026

This instrument prepared by: Robin Lyn Green, Attorney at Law

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO RENAME TOWNE COMMONS PARK AKA FRONT STREET PARK AKA EASY STREET PARK, PARCEL NO. 054-258866-00.000 AS HOPE PARK.

WHEREAS, in the City of Newark, there is a triangular green space bordered by East Church Street to the North, Easy Street to the West, East Main Street to the South and the North Fork of the Licking River to the East; and,

WHEREAS, this Council deems it appropriate to honor a local youth, S.A-H. for her ongoing efforts to restore and maintain the park’s appearance for the betterment of the City of Newark, Ohio and Licking County, Ohio, and;

WHEREAS, Council has determined that it is appropriate to honor S.A.-H. by designating Towne Commons Park aka Front Street Park aka Easy Street Park, Parcel No. 054-258866-00.000 as **Hope Park**, and;

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 proceed with all steps necessary to rename Towne Commons Park, Parcel No. 054-258866-00.000, as **Hope Park**

Section 2: 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 _____ 2024.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

RESOLUTION NO. 24-32 _____

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT AGREEMENT ON BEHALF OF THE CITY OF NEWARK FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF LEAD SERVICE LINE REPLACEMENT PROJECT #5 AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

WHEREAS, the City of Newark operates a Water Distribution System throughout the City; and,

WHEREAS, the distribution system has approximately 6,000 lead and/or galvanized water service lines; and,

WHEREAS, replacement of lead and galvanized service lines is a requirement of Ohio EPA in order to eliminate lead material and to maintain efficient and cost-effective operations of the system; and,

WHEREAS, the Ohio Water Supply Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and,

WHEREAS, the Public Service Committee of the Newark City Council met on April 1, 2024 and approved submission of the legislation for full council 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 apply for a WSRLA loan, sign all documents for and enter into a Water Supply Revolving Loan Account Agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of water facilities on behalf of the City of Newark, Ohio.

Section 2: That the dedicated source of repayment will be user charges.

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 _____ 2024.

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

RESOLUTION NO. 24-35

BY _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO NEGOTIATE AND ENTER INTO A LEASE PURCHASE AGREEMENT WITHOUT COMPETITIVE BIDDING WITH PARK NATIONAL BANK FOR THE LEASE-PURCHASE OF TWO (2) VEHICLES.

WHEREAS, the Division of Streets is a division within the Department of Public Service of the City of Newark; and

WHEREAS, the Division of Streets require specialized equipment to provide services to citizens and enforce ordinances throughout the City of Newark; and

WHEREAS, a pickup truck is one such piece of necessary specialized equipment; and

WHEREAS, the Department of Public Service is requesting that two (2) pickup trucks be purchased; and

WHEREAS, this matter was considered in regular session by the Service Committee who voted to refer the same to full Council for consideration; and

WHEREAS, the source of funding has been identified as available through the Capital Improvement Fund for purchase via a lease-purchase agreement with Park National Bank.

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 enter into a purchase agreement with Park National Bank for the lease-purchase of two (2) new pickup trucks.

Section 2. It is in the best interest of the City and its residents that competitive bidding not be required and the same is hereby waived pursuant to Article 10.02 of the Charter of the City of Newark, Ohio, and the Director of Public Service is hereby authorized and directed to negotiate and enter directly into contract for the purchase of two (2) new pickup trucks.

Section 2. This Resolution 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 _____, 2024.

PRESIDENT OF COUNCIL

ATTEST:

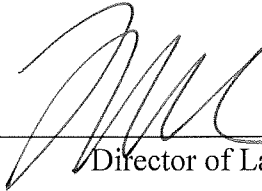
Clerk of Council

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.24-36

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 Fund, in the amount of \$39,974.03 (32450.00 from LCounty for portion of irrigations system and 7524.03 from LC Foundations for Horns Hill Improvements).

100.121.5238	Services General	39,974.03
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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 _____, 2024.

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.24-37 Exp.

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 220 ARP Fund, in the amount of \$225,000.00 (Waterworks Road Dam Spillway Improvements Project).

220.100.5502.112	Land Improvements Spillway	225,000.00
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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 _____, 2024.

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 AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF NEWARK AND NEWARK DEVELOPMENT PARTNERS TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO HISTORY CONNECTION STATE HISTORIC PRESERVATION OFFICE 2024 CERTIFIED LOCAL GOVERNMENT GRANT.

WHEREAS, funding for grants to Certified Local Governments (CLG) comes from the U.S. Department of the Interior’s Historic Preservation Fund (CFDA 15.904), administered by the National Park Service, which provides financial support to State Historic Preservation Offices; and,

WHEREAS, Newark is one of 79 Ohio communities participating in the Certified Local Government (CLG) Program; and,

WHEREAS, each year the Ohio History Connection State Historic Preservation Office awards competitive grants to assist Certified Local Governments in completing preservation projects; and,

WHEREAS, the City of Newark sees to partner and name Newark Development Partners as project administrator for the 2024 Ohio History Connection State Historic Preservation Office Certified Local Government Grant; and,

WHEREAS, the Newark Development partners seeks funding for the historic Newark Arcade project; and,

WHEREAS, the 2024 Ohio History Connection State Historic Preservation Office Certified Local Government Grant covers 100% of project costs.

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

Section 1: This Council does hereby authorize and direct the Mayor, and his representative, Newark Development Partners, to prepare an application to the Ohio History Connection State Historic Preservation Office for funding assistance through the 2024 Certified Local Government (CLG) Grant program, and to make in connection therewith, all certifications, understandings, and assurances contained therein.

Section 2: In furtherance of the directives established herein, the Mayor is authorized to take whatever action is legally available to attain such funding in the best interest of the City and its participation in available community preservation funding programs.

Section 3: That the Mayor be and hereby is designated as the authorizing official to enter into an agreement with the Ohio History Connection State Historic Preservation Office and its agencies to administer the grant program and to accept said funds when they become available.

Section 4: This Resolution shall become effective upon the earliest date permitted by Article 4.07 of the Charter of the City of Newark, Ohio.

ADOPTED THIS _____ DAY OF _____, 2024

_____, PRESIDENT OF COUNCIL

ATTEST _____, CLERK OF COUNCIL

DATE FILED WITH MAYOR _____

DATE APPROVED BY MAYOR _____

_____, MAYOR

FORM APPROVED: _____, DIRECTOR OF LAW

RESOLUTION NO. 24-39

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF HEATH AND THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT FOR PHASE ONE OF THE THORNWOOD DRIVE-FAYE ROAD INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, the City of Newark, along with the City of Heath and the Licking County Transportation Improvement District have determined that certain improvements to Thornwood Drive and Faye Road would be beneficial for economic development; and,

WHEREAS, the City of Newark, the City of Heath, and the Licking County Transportation Improvement District have determined that funding commitments from each respective entity is necessary to facilitate this project; and,

WHEREAS, the parties wish to formalize a framework for payment of the pertinent costs related to these improvements by way of an intergovernmental agreement; and,

WHEREAS, it is the City's desire, in order to promote development in the area and to improve traffic patterns, to move forward with execution of this agreement, a preliminary draft of which is attached to this Resolution as Exhibit "A"; and,

WHEREAS, execution of this intergovernmental agreement is necessary for this project to move forward in a timely manner to receive state funding.

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 to enter into an intergovernmental agreement with the City of Heath and the Licking County Transportation Improvement District for certain improvements to Thornwood Drive and Faye Road.

SECTION TWO: This Resolution 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 _____, 2024.

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. 24-40

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF LICKING COUNTY, AND THE CITY OF HEATH FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THORNWOOD DRIVE KNOWN AS THE THORNWOOD DRIVE PROJECT

WHEREAS, the City of Newark, Ohio (“City”) in cooperation with the Licking County Transportation Improvement District (TID), the Board of County Commissioners of Licking County, Ohio, and the City of Heath, Ohio, are desirous of constructing improvements to Thornwood Drive, a road running generally North and South on the western edges of City of Newark and the City of Heath in Licking County in order to provide the traveling public a better, more efficient, route of travel from Interstate 70 to State Route 16 (“Thornwood Drive Project” or “Project”); and,

WHEREAS, the City, in cooperation with the other parties, seeks to cooperate in providing for certain funding assurances to supplement current funding sources to complete such Project in the event current funding is not sufficient to complete it, and:

WHEREAS, the City agrees that the completion of the Project is in the best interest of the City; and,

WHEREAS, execution of this intergovernmental agreement, a preliminary draft of which is attached to this Resolution as Exhibit “A”, is necessary for this project to move forward in a timely manner to receive state funding.

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 to enter into an intergovernmental agreement with the Board of County Commissioners of Licking County, the City of Heath, and the Licking County Transportation Improvement District for certain improvements to Thornwood Drive.

SECTION TWO: This Resolution 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 _____, 2024.

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

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (“Agreement”) is made and entered into as of the last date of the signatures appearing on the executing page hereof (the “Effective Date”) by and between the Licking County **Transportation Improvement District** (“TID”), a district and political subdivision created pursuant to Ohio Revised Code Section 5540.02, having its address at 20 S. 2nd Street, 3rd floor, Newark, OH 43055; the **Board of County Commissioners of Licking County, Ohio** a political subdivision (the “County” or “Commissioners”), having its address at 20 S. 2nd Street, 4th floor, Newark, OH 43055; the City of Newark, a political subdivision (“Newark”), having its address at 40 W. Main Street, Newark, OH 43055; and, the City of Heath, a political subdivision (“Heath”), having its address at 1287 Hebron Road, Heath, OH 43056. Each district or political subdivision may be referred to as a “Party” in this Agreement, and collectively all districts/political subdivisions shall be referred to as “Parties.” All Parties are political subdivisions and/or body corporate and politic, validly existing under the laws of the State of Ohio.

WITNESSETH:

A. The Parties, in cooperation with others, are desirous of constructing improvements to Thornwood Drive ... a road running, generally North and South on the western edges of Newark and Heath in Licking County ... in order to provide the traveling public a better, more efficient, route of travel from Interstate 70 to State Route 16 (“Thornwood Drive Project”, or “Project”).

B. The Parties desire to cooperate in providing for certain funding assurances to supplement current funding sources to complete such Project in the event current funding is not sufficient to complete it.

C. The Parties agree that completion of the Project is in all Parties’ interests.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements hereinafter set forth, the Parties hereby Agree as follows:

SECTION 1: AUTHORITY

The Parties each have the authority and power under the Constitution, statutes and laws of the State of Ohio to make road and street improvements, acquire necessary real property and interests therein, including temporary and permanent right-of-way, and enter into agreements with other governmental entities and political subdivisions for the exercise of any and all powers, performance of any function or rendering of any service necessary to construct and maintain the street and road improvements and appurtenances thereto.

SECTION 2: COOPERATION STATEMENT

The Parties agree that they shall cooperate in good faith to facilitate the timely success and funding of the Project. Each Party shall refrain from taking any action that would directly or indirectly delay the Project or endanger the timely success of the Project. The Parties recognize and agree that time is of the essence in the construction of the improvements and Project funding.

SECTION 3: RESPONSIBILITIES OF THE PARTIES

- 3.1. In cooperation with local, State and/or Federal agencies and/or subdivisions, the Parties shall continue to fulfill their responsibilities as it relates to the Project as may be documented by other agreements, contracts, memorandums of understandings, or the like, that have been executed, or that are reasonably contemplated to be executed, as part of completing the Project.
- 3.2. The Parties acknowledge that the funds currently dedicated to this Project may not be sufficient to complete the Project and agree hereby to provide contingent or “backstop” funding in the aggregate amount of \$3,000,000.00 in the following amounts/percentages should they been required in order to compete the Project:
 - a) Licking County: \$1,500,000; 50%
 - b) Newark: \$750,000.00; 25%
 - c) Heath: \$750,000.00; 25%
- 3.3. Should none of these contingent or “backstop” funds be necessary to complete the Project (due to construction being completed under estimated costs, or because other/new funding sources been obtained) the Parties will be relieved of their obligations to provide such contingent or “backstop” funds.
- 3.4. Should a portion of these contingent or “backstop” funds be necessary to complete the Project, the Parties will provide portions of the needed funding in accordance with the allocated percentages above after which the Parties will be relieved of their obligations to provide the remainder of such funds.

SECTION 4 EFFECTIVE DATE AND TERMINATION OF AGREEMENT

- 4.1. This Agreement shall become effective on the last date of the signatures appearing on the executing page hereof.
- 4.2. For the benefit of all Parties and the convenience and welfare of the public, this Agreement shall not be amended, terminated or suspended except by mutual written agreement of all Parties.

SECTION 5 MISCELLANEOUS TERMS AND CONDITIONS

- 5.1. Entire Agreement. This Agreement, and any documents incorporated by reference herein, shall constitute the entire understanding and agreement between the Parties, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the Parties, except as otherwise provided in this Agreement.
- 5.2. Notices. Any notice required to be given hereunder shall be given in writing by e-mail effective upon confirmation of delivery and receipt to the e-addressee, by certified United States mail, postage prepaid with confirmation of delivery and receipt, or by hand delivery addressed to the parties at their respective addresses as set forth below. Each Party shall notify every other party, in writing, promptly upon the change of any information provided below including the name of any person or any street or e-address:

If to the TID:

Licking County Transportation
Improvement District
Attn: Jared Knerr, Secretary Treasurer
20 S. 2nd Street, 3rd floor
Newark, OH 43255

e-mail: jknerr@lickingcounty.gov

If to the County:

The Licking County Board of County
Commissioners
Attn: Clerk/Administrator
20 S. 2nd Street, 4th floor
Newark, OH 43055

e-mail: badzic@lickingcounty.gov

If to the City of Newark:

Office of the Newark City Mayor
Attn: Jeff Hall, Mayor
40 W. Main Street
Newark, OH 43255

e-mail: jhall@newarkohio.net

If to the City of Heath:

Office of the Heath City Mayor
Attn: Mark Johns, Mayor
1287 Hebron Road
Heath, OH 43056

e-mail: mayor@heathohio.gov

- 5.3. Amendments. This Agreement may be amended by all Parties upon their mutual written agreement. It is anticipated and agreed by the Parties that this Agreement may also be amended to include additional aspect(s) of the Projects by and among some or all of the Parties, as necessary and appropriate, *provided* that such additional aspect(s) be mutually acceptable.

- 5.4. Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Licking County, Ohio.
- 5.5. Headings. The subject headings of the sections and subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by all Parties and no purposes of interpretation shall be made to the contrary.
- 5.6. Waivers. No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 5.7. Ambiguity. The Parties have participated jointly in the negotiation and drafting of this Agreement. Should any ambiguity or question of intent or interpretation arise with respect to any provision of this Agreement, including any exhibit hereto, this Agreement shall be construed as if drafted jointly by the Parties, and no presumption or burden of proof shall arise favoring or disfavoring either Party by virtue of the authorship of any of the provisions of this Agreement.
- 5.8. Severability. If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 5.9. No Third-Party Beneficiary. Only the Parties hereto have any rights under this Agreement. No other persons or entities shall have any rights under this Agreement or be deemed to be third-party beneficiaries of this Agreement.

REMAINDER OF PAGE LEFT BLANK. SIGNATURE PAGE TO FOLLOW.

SIGNATURES

IN WITNESS WHEREOF, the Parties have unto set their hands according to the date appearing next to their respective signatures.

On behalf of the Transportation Improvement District:

On behalf of the Board of County Commissioners:

Chair:

President:

Signature

Signature

Date

Date

Approved as to form:

Approved as to form:

TID Counsel

Licking County Prosecutor

On behalf of the City of Newark

On behalf of the City of Heath

Mayor:

Mayor:

Signature

Signature

Date

Date

Approved as to form:

Approved as to form:

Law Director

Law Director

*Accompany Completed Signature Pages with Attachment
of Related Board/Council Resolutions/Ordinances which
Document Authority to Enter Agreement*