

COUNCIL AGENDA

February 2, 2026

Committee and Council Meetings can be viewed by accessing YouTube

Council Chambers

7:00 P.M.

ROLL CALL

INVOCATION – Mr. Labutis

PLEDGE OF ALLEGIANCE

CAUCUS

MINUTES of January 20, 2026

APPOINTMENTS

REPORTS OF STANDING COMMITTEES

Finance

Service

REPORTS FROM CITY OFFICIALS

Brandon Fox, Water Administrator - A list of properties being sent to county property tax lien for past due water, sewer, and stormwater bills, totaling \$6,448.67.

COMMUNICATIONS

Ohio Division of Liquor Control - New liquor permit for Tee Jayes Country Place Inc., 1195 N. 21st St., Newark, Ohio.

Ohio Division of Liquor Control – Transfer liquor permit from Sudhir Dubey, 380 Seroco Ave., Newark, Ohio to Roadpops LLC, dba Roadpops Bar and Grill, 380 Seroco Ave., Newark, Ohio.

COMMENTS FROM CITIZENS

ORDINANCES ON SECOND READING

There are none this meeting.

ORDINANCES ON FIRST READING

25-49 An ordinance approving and authorizing the law director of the City of Newark or the law director's designee to take all necessary steps to annex the property, being 1.998 acres, more or less, known as 3131 Horns Hill Road, as recorded in instrument number 202212270029997; 0.546 acres, more or less, located in the Township of Newark, as identified by instrument number

202409130016055; and 1.231 acres, more or less, located in the Township of Newark, as identified by auditor's parcel number 058-290796-00.000 pursuant to Ohio Revised Code 709.16

25-50 An ordinance to assume maintenance responsibility for the full width of Horns Hill Road from Wildflower Drive until Horns Hill Road exits the municipality's limits adjacent to 2250 Horns Hill Road, Newark, Ohio 43055, and to authorize the service director to enter into all necessary road maintenance agreements with the Licking County Board of Commissioners for the maintenance of Horns Hill Road.

26-01 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 483 RIDGE AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-192894-00.000, FROM THAT OF SINGLE-FAMILY RESIDENCE RH – HIGH DENSITY ZONING DISTRICT TO TFR TWO-FAMILY RESIDENCE ZONING DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO.

RESOLUTIONS ON SECOND READING

There are none this meeting.

RESOLUTIONS ON FIRST READING

26-01 A RESOLUTION APPROPRIATING MONIES FOR THE CURRENT EXPENSES OF THE MUNICIPAL CORPORATION. (Disappropriation - \$25,000,000.00 - Original budget for project was \$65,000,000. Bid opened at \$38,000,000. Leaving extra \$2,000,000 for project contingency.)

26-02 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 REPLACEMENT UTILITY BILLING SOFTWARE (UBS) FOR THE WATER, SEWER AND STORMWATER DEPARTMENTS.

26-03 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 AND THE CITY OF HEATH FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THORNWOOD DRIVE KNOWN AS THE THORNWOOD DRIVE - FAYE DRIVE IMPROVEMENTS PROJECT, PHASE 2 WORK

COMMENTS FROM CITIZENS

MISCELLANEOUS

ADJOURNMENT

ORDINANCE NO. 25-49

AN ORDINANCE APPROVING AND AUTHORIZING THE LAW DIRECTOR OF THE CITY OF NEWARK OR THE LAW DIRECTOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ANNEX THE PROPERTY, BEING 1.998 ACRES, MORE OR LESS, KNOWN AS 3131 HORNS HILL ROAD, AS RECORDED IN INSTRUMENT NUMBER 202212270029997; 0.546 ACRES, MORE OR LESS, LOCATED IN THE TOWNSHIP OF NEWARK, AS IDENTIFIED BY INSTRUMENT NUMBER 202409130016055; AND 1.231 ACRES, MORE OR LESS, LOCATED IN THE TOWNSHIP OF NEWARK, AS IDENTIFIED BY AUDITOR'S PARCEL NUMBER 058-290796-00.000 PURSUANT TO OHIO REVISED CODE § 709.16

WHEREAS, the City of Newark desires to annex property into the municipality, the property to be annexed is described more particularly in the Exhibits attached hereto and incorporated herein by reference; and

WHEREAS, the process to annex a property owned by a municipality into the City of Newark must be completed by filing an annexation pursuant to Ohio Revised Code § 709.16; and

WHEREAS, Ohio Revised Code § 709.16 requires the municipality to pass legislation approving the annexation of property into the municipality prior to filing the annexation with the Licking County Commissioners; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, WITH A MAJORITY OF THE MEMBERS ELECTED CONCURRING THERETO

Section 1: That the City of Newark hereby approves and authorizes the Law Director or the Law Director's Designee to take all necessary steps to annex the property BEING 1.998 ACRES, MORE OR LESS, KNOWN AS 3131 HORNS HILL ROAD, AS RECORDED IN INSTRUMENT NUMBER 202212270029997; 0.546 ACRES, MORE OR LESS, LOCATED IN THE TOWNSHIP OF NEWARK, AS IDENTIFIED BY INSTRUMENT NUMBER 202409130016055; AND 1.231 ACRES, MORE OR LESS, LOCATED IN THE TOWNSHIP OF NEWARK, AS IDENTIFIED BY AUDITOR'S PARCEL NUMBER 058-290796-00.000 PURSUANT TO OHIO REVISED CODE § 709.16.

Section 2: That this Ordinance will take effect and be in force at the earliest time permitted by Section 4.07 of the Charter of the City of Newark, Ohio.

Adopted: _____, 202__

ATTEST: _____

Amy Vensel, Clerk of Council

Submitted to the Mayor this
____ day of _____, 202__

Approved by the Mayor this
____ day of _____, 202__

Jeff Hall, Mayor

Approved as to form this
____ day of _____, 202__

Tricia Moore, Law Director

EXHIBIT A

DESCRIPTION
1.998 ACRE PARCEL

Situated in the 1st Quarter, Township 2N, Range 12W, USML, Township of Newark, County of Licking, State of Ohio, and being all of the City of Newark parcel, as recorded in Instrument Number 20221227002997, all references are the Records of the Licking County Recorder, said parcel being further described as follows:

Beginning at a 5/8" dia. iron pin found at the northeast corner of Lot 13602 of Conor's Pass Subdivision, Phase 2, as recorded in Instrument Number 202212210029755, said point being the True Point of Beginning for the parcel herein described;

Thence, South 85° 48' 53" East, 381.52 feet, along the south line of the Horns Hill-View Addition, as recorded in Plat Book 8, Page 30, (passing an iron pin set at 351.52 feet) to a point in the centerline of Horns Hill Road NE (60' R/W) aka County Road 203, at the southeast corner of said Horns Hill-View Addition;

Thence, South 04° 41' 22" West, 228.12 feet, along the centerline of said Horns Hill Road NE, to a point at a northeast corner of said Conor's Pass Subdivision, Phase 2;

Thence, North 85° 50' 59" West, 381.10 feet, along a northern line of said Conor's Pass Subdivision, Phase 2, (passing an axle found at 24.82 feet, and a 5/8" dia. iron pin found, stamped "SMART" at 40.00 feet, and a 5/8" dia. iron pin found, stamped "SMART" at 299.10 feet), to a 5/8" dia. iron pin found, stamped "SMART", on the east line of Lot 13600 of said Conor's Pass Subdivision, Phase 2;

Thence, North 04° 34' 58" East, 228.35 feet, along an easterly line of said Conor's Pass Subdivision, Phase 2, (passing a 5/8" dia. iron pin found, stamped "SMART" at 226.80 feet) to the True Point of Beginning.

Containing 1.998 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 State Plane Grid, South Zone NAD83(2011).

PN 58-289590-00.000

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



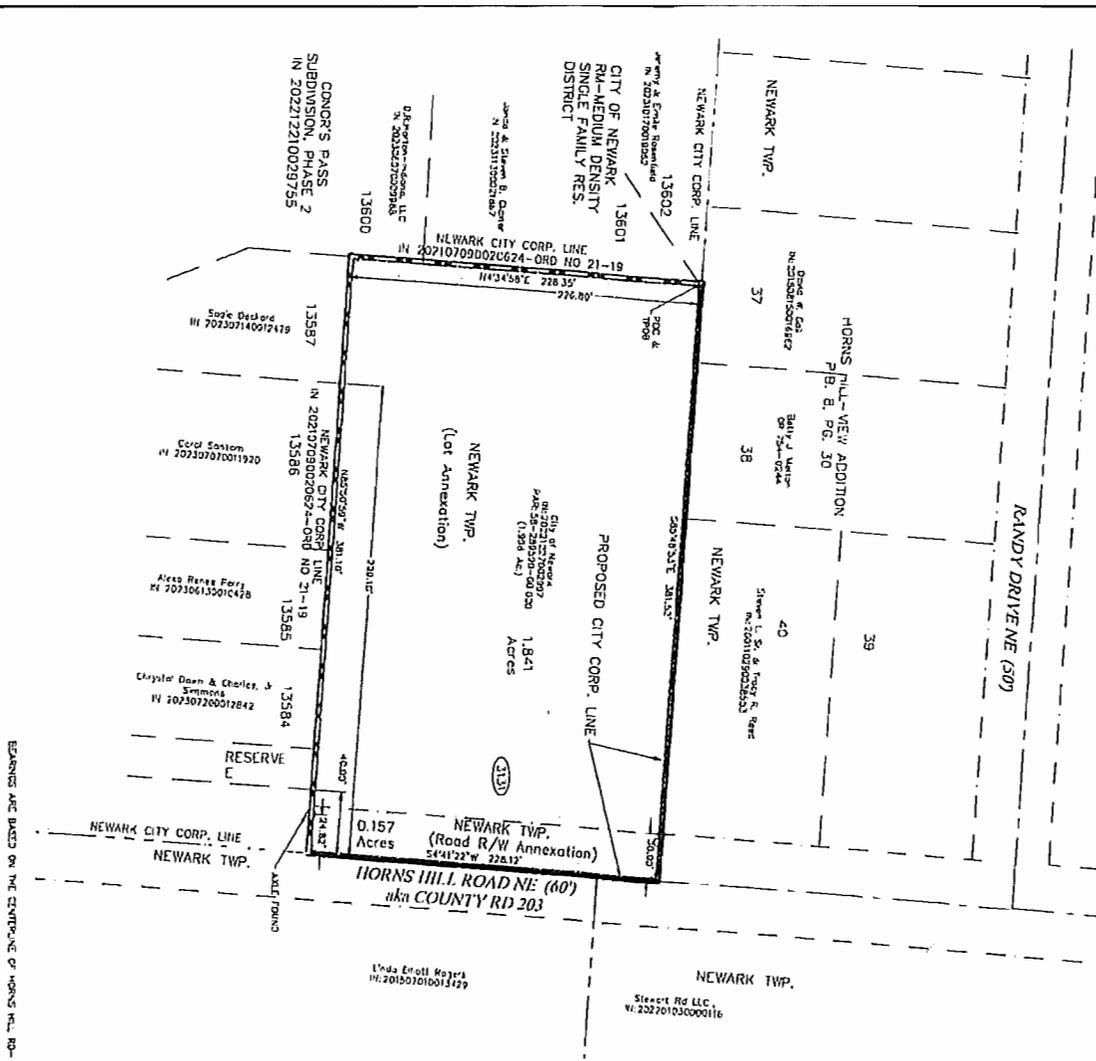
Date: 1-23-2024

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: DATE: 1-23-24	<i>[Signature]</i>

EXHIBIT 'B'

PLAT OF TERRITORY TO BE ANNEXED TO THE CITY OF NEWARK

SITUATED IN THE 1ST QTR., TWP 2N, RNG 12W, USML,
NEWARK TOWNSHIP, LICKING COUNTY, OHIO



Prepared Pursuant to Ordinance No. 2024-01 of the City of Newark at 01:57 a.m. on the 1st day of January, 2024.

Prepared Pursuant to Ordinance No. 2024-01 of the City of Newark at 01:57 a.m. on the 1st day of January, 2024.

The within map marked Exhibit 'B' and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on January 1, 2024, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said Ordinance described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of Newark, Ohio, of the territory shown hereon and having given due consideration to the report of said petition, do hereby grant the same.

Board of Licking County Commissioners
 Petition Received _____ 2024
 Petition Approved _____ 2024

Licking County Commissioner
 Licking County Commissioner

Licking County Commissioner
 The Council for the City of Newark, Ohio by Ordinance

Attest
 Clerk, City of Newark

Transferred this _____ day of _____ 2024, upon the application of this office.
 Containing 1,998 acres.
 Transfer Fee _____

Licking County Auditor
 Received for Record _____ 2024, at _____ (AM-PM) and recorded
 Volume _____ Page _____ in plat ordinance petition, etc. in Plat Book

Plat Fee _____
 Ordinance, etc. Fee _____

Licking County Recorder

CONTINGENCY NOTE
 AREA TO BE ANNEXED IS CONTINGENT ON
 50% OF THE PROPERTY BOUNDARY

- LEGEND
- AREA TO BE ANNEXED
 - 5/8" Dotted Line From Plat
 - 3/4" Dotted Line From Plat
 - 1/4" Dotted Line From Plat
 - 5/8" Dotted Line From Plat
 - 3/4" Dotted Line From Plat
 - 1/4" Dotted Line From Plat

WES
 WESTERN ENGINEERING & SURVEYING, INC.
 12312 West Bend Dr
 Independence, OH 43131
 (614) 399-4344

REC. JANUARY 01 2024
 JANUARY 2024



LEGAL DESCRIPTION
0.546 ACRES
FOR THE CITY OF NEWARK
July 17, 2024
Page 1 of 2

Situated in the State of Ohio, County of Licking, Township of Newark, being part of the First Quarter, Township 2, Range 12, United States Military Lands, and being known as Parcel 6WD conveyed to Licking County in Deed Book 696, Page 265, of the Licking County Recorder's Office, and being more particularly bound and described as follows:

Beginning at the intersection of the centerline of right-of-ways of Waterworks Road/Cedar Run Road (Twp. Rd. 259) and Horns Hill Road, said point being the southwest corner of said Licking County property, a southeast corner of the property conveyed to the City of Newark by D.B. 182, Pg. 392, and in the northerly line of the property conveyed to the City of Newark by Official Record 773, Page 754, thence along the centerline of right-of-way of Horns Hill Road, the westerly line of said Licking County property, and the easterly line of said City of Newark property (D.B. 182, Pg. 392), North 07 degrees 30 minutes 28 seconds West, 361.95 feet to a point at the northwest corner of said Licking County property, said point being a corner of said City of Newark property (D.B. 182, Pg. 392);

Thence along the northerly line of said Licking County property, and a southerly line of said City of Newark property (D.B. 182, Pg. 392), South 79 degrees 47 minutes 30 seconds East, 41.99 feet to an Iron Pin Set at a northeast corner of said Licking County property, said point being the northwest corner of the property conveyed to David and Betty Young by O.R. 564, Pg. 120, and being on the easterly right-of-way line of Horns Hill Road;

Thence along the easterly right-of-way line of Horns Hill Road, the easterly line of said Licking County property, and the westerly line of said Young property the following two (2) courses:

1. South 07 degrees 30 minutes 28 seconds East, 273.00 feet to an Iron Pin Set at a point of deflection;
2. South 24 degrees 22 minutes 50 seconds East, 60.33 feet to an Iron Pin Set at a point of intersection of the easterly right-of-way line of Horns Hill Road with the northerly right-of-way line of Cedar Run Road, said point also being a corner of said Licking County property, and the southwest corner of said Young property;

Thence along the northerly right-of-way line of Cedar Run Road, the northerly line of said Licking County property, and the southerly line of said Young property, the following two (2) courses:

1. South 85 degrees 30 minutes 18 seconds East, 113.00 feet to an Iron Pin Set at a point of deflection;
2. South 85 degrees 06 minutes 23 seconds East, 172.29 feet to an Iron Pin Set at the northeast corner of said Licking County property, said point being the southeast corner of said Young property, and in the westerly line of the property conveyed to Timothy A. & Edna M. Ridenbaugh by Instrument Number 202302160002791, said point being referenced by a 5/8" Rebar with Cap "Willis 7796" Found bearing North 12 degrees 09 minutes 10 seconds East, 0.74';

LEGAL DESCRIPTION
0.546 ACRES
FOR THE CITY OF NEWARK
July 17, 2024
Page 2 of 2

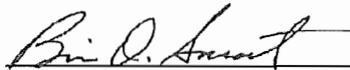
Thence along the easterly line of said Licking County property, and the westerly line of said Ridenbaugh property, South 12 degrees 09 minutes 10 seconds West, 30.24 feet to a point in the centerline of Cedar Run Road, said point being the southeast corner of said Licking County property, said point also being the southwest corner of said Ridenbaugh property, and being in the northerly line of the property conveyed to said Timothy A. & Edna Ridenbaugh by O.R. 697, Pg. 433;

Thence along the centerline of Cedar Run Road, the southerly line of said Licking County property, the northerly line of said Ridenbaugh property (O.R. 697, Pg. 433), and the northerly line of said City of Newark property (O.R. 773, Pg. 754) the following two (2) courses:

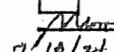
1. North 85 degrees 05 minutes 23 seconds West, 168.37 feet to a point;
2. North 85 degrees 30 minutes 18 seconds West, 165.31 feet to the Point of Beginning, containing 0.546 acres, more or less.

Subject to any and all legal easements, rights-of-way, conditions and restrictions. BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATE SYSTEM OHIO SOUTH ZONE NAD83(2011) AS OBSERVED IN JANUARY 2024, AND ARE INTENDED TO BE USED ONLY TO DETERMINE ANGLES. Iron Pins Set are 5/8" Rebar, 30" long, and capped "Smart Services". This description is based on an actual field survey by Smart Services, Inc. in January 2024.




Brian D. Smart, Reg. Surveyor No. 7611

S:\2023 Projects\959401 - City of Newark - Cedar Run and Horns Hill Road Right-of-Way Determination\Map-Plan-Covering\Description\959401 - 0.546 AC.docx

PRE-APPROVAL LICKING COUNTY ENGINEER	
APPROVED <input checked="" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY: 	
DATE: 7/18/24	



LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED
FROM THE TOWNSHIP OF NEWARK
TO THE CITY OF NEWARK
~ EXHIBIT "B" ~

1.231 ACRES
Jan. 7, 2025
Page 1 of 3

Situated in the State of Ohio, County of Licking, Township of Newark, being part of the First Quarter, Township 2, Range 12, United States Military Lands, and being 0.685 acres conveyed to the City of Newark by Official Record 773, Page 754, and 0.546 acres conveyed to the City of Newark by Instrument Number 202409130016055, of the Licking County Recorder's Office, and being more particularly bound and described as follows:

Beginning at the intersection of the centerline of right-of-ways of Waterworks Road/Cedar Run Road (Twp. Rd. 259) and Horns Hill Road, said point being the southwest corner of said City of Newark property (Inst. No. 202409130016055), a southeast corner of the property conveyed to the City of Newark by Deed Book 182, Page 392, in the northerly line of said City of Newark property (O.R. 773, Pg. 754), and on the 1969 Corporation Line as shown on Plat Book 10, Page 4, thence along the centerline of right-of-way of Horns Hill Road, the westerly line of said City of Newark (Inst. No. 202409130016055) property, the easterly line of said City of Newark property (D.B. 182, Pg. 392), and the existing corporation line, **North 07 degrees 30 minutes 28 seconds West, 361.95 feet** to a point at the northwest corner of said City of Newark property (Inst. No. 202409130016055), said point being a corner of said City of Newark property (D.B. 182, Pg. 392);

Thence along the northerly line of said City of Newark property (Inst. No. 202409130016055), a southerly line of said City of Newark property (D.B. 182, Pg. 392), and continuing along said 1969 Corporation Line, **South 79 degrees 47 minutes 30 seconds East, 41.99 feet** to a point at a northeast corner of said City of Newark (Inst. No. 202409130016055) property, said point being the northwest corner of the property conveyed to David and Betty Young by O.R. 564, Pg. 120, and being on the easterly right-of-way line of Horns Hill Road;

Thence along the easterly right-of-way line of Horns Hill Road, the easterly line of said City of Newark (Inst. No. 202409130016055) property, and the westerly line of said Young property the following two (2) courses:

1. **South 07 degrees 30 minutes 20 seconds East, 273.00 feet** to a point of deflection;
2. **South 24 degrees 22 minutes 50 seconds East, 60.33 feet** to a point of intersection of the easterly right-of-way line of Horns Hill Road with the northerly right-of-way line of Cedar Run Road, said point also being a corner of said City of Newark (Inst. No. 202409130016055) property, and the southwest corner of said Young property;

Thence along the northerly right-of-way line of Cedar Run Road, the northerly line of said City of Newark (Inst. No. 202409130016055) property, and the southerly line of said Young property, the following two (2) courses:

**LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED
FROM THE TOWNSHIP OF NEWARK
TO THE CITY OF NEWARK
~ EXHIBIT "B" ~**

1,231 ACRES
Jan. 7, 2025
Page 2 of 3

1. **South 85 degrees 30 minutes 18 seconds East, 113.00 feet** to a point of deflection;
2. **South 85 degrees 05 minutes 23 seconds East, 172.29 feet** to a point at the northeast corner of said City of Newark (Inst. No. 202409130016055) property, said point being the southeast corner of said Young property, and in the westerly line of the property conveyed to Timothy A. & Edna M. Ridenbaugh by Instrument Number 202302160002791;

Thence along the easterly line of said City of Newark (Inst. No. 202409130016055) property, and the westerly line of said Ridenbaugh property, **South 12 degrees 09 minutes 10 seconds West, 30.24 feet** to a point in the centerline of Cedar Run Road, said point being the southeast corner of said City of Newark (Inst. No. 202409130016055) property, said point also being the southwest corner of said Ridenbaugh property, and being in the northerly line of the property conveyed to said Timothy A. & Edna Ridenbaugh by O.R. 697, Pg. 433;

Thence along the centerline of Cedar Run Road, the southerly line of said City of Newark (Inst. No. 202409130016055) property, and the northerly line of said Ridenbaugh property (O.R. 697, Pg. 433), **North 85 degrees 05 minutes 23 seconds West, 11.26 feet** to a point at the northeast corner of said City of Newark property (O.R. 773, Pg. 754);

Thence along the easterly line of said City of Newark (O.R. 773, Pg. 754) property, and a westerly line of said Ridenbaugh property (O.R. 697, Pg. 433), **South 04 degrees 54 minutes 37 seconds West, 30.00 feet** to a point on the southerly right-of-way line of Cedar Run Road, said point being the southeast corner of said City of Newark (O.R. 773, Pg. 754) property, and a corner of said Ridenbaugh property (O.R. 697, Pg. 433);

Thence along the southerly right-of-way line of Cedar Run Road, the southerly line of said City of Newark (O.R. 773, Pg. 754) property, and the northerly line of said Ridenbaugh property (O.R. 697, Pg. 433), the following two (2) courses:

1. **North 85 degrees 10 minutes 43 seconds West, 199.78 feet** to a point of deflection;
2. **South 66 degrees 07 minutes 34 seconds West, 113.65 feet** to a point of deflection;
3. **North 85 degrees 30 minutes 18 seconds West, 225.12 feet** to a point at the southwest corner of said City of Newark (O.R. 773, Pg. 754) property, said point being the northwest corner of said Ridenbaugh property (O.R. 697, Pg. 433), in the easterly line of the property conveyed to the City of Newark by D.B. 217, Pg. 274, and on said 1969 Corporation Line;

LEGAL DESCRIPTION OF TERRITORY TO BE ANNEXED
FROM THE TOWNSHIP OF NEWARK
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1.231 ACRES
Jan. 7, 2025
Page 3 of 3

Thence along the westerly line of said City of Newark (O.R. 773, Pg. 754) property, and the easterly line of said City of Newark property (D.B. 217, Pg. 274), and along said 1969 Corporation Line, **North 16 degrees 59 minutes 37 seconds East, 86.04 feet** to a point on the centerline of Waterworks Road, said point being the northwest corner of said City of Newark (O.R. 773, Pg. 754) property, the northeast corner of said City of Newark property (D.B. 217, Pg. 274), and in the southerly line of said City of Newark property (D.B. 182, Pg. 392);

Thence along the centerline of Waterworks Road, the northerly line of said City of Newark (O.R. 773, Pg. 754) property, and southerly line of said City of Newark property (D.B. 182, Pg. 392), and along said 1969 Corporation Line, **South 85 degrees 30 minutes 18 seconds East, 184.08 feet to the Point of Beginning, containing 1.23 acres, more or less.**

Subject to all, legal, easements, right-of-ways, conditions and restrictions. BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATE SYSTEM OHIO SOUTH ZONE NAD83(2011) AS OBSERVED IN JANUARY 2024, AND ARE INTENDED TO BE USED ONLY TO DETERMINE ANGLES. This description is based on existing Auditor's and Recorder's, Licking County, Ohio, record information and is to be used for annexation purposes only.



Digitally signed by
Brian Smart
Date: 2025.01.24
18:55:17 -05'00'



Brian D. Smart, Reg. Surveyor No. 7611

Exhibit B

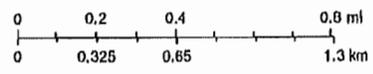


November 1, 2023

1:18,056

- Owner Name & Acres
- Centerline Labels
- Interslate/US/State Route
- County Road
- Township Road
- Other Road Type
- Driveway
- Interstates
- Municipal Corporations
- Jurisdictional Townships
- Historical Townships Line
- County Boundary
- Ohio Counties

- Ohio Boundary
- Parcels
- Spill Listed Hooks
- Tract Lines
- Roadway covered by Agreement
- Boundary lines of Agreement



ORDINANCE 25-50

AN ORDINANCE TO ASSUME MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF HORNS HILL ROAD FROM WILDFLOWER DRIVE UNTIL HORNS HILL ROAD EXITS THE MUNICIPALITY'S LIMITS ADJACENT TO 2250 Horns Hill Rd. Newark, OH 43055 and TO AUTHORIZE THE SERVICE DIRECTOR TO ENTER INTO ALL NECESSARY ROAD MAINTENANCE AGREEMENTS WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF HORNS HILL ROAD.

WHEREAS, Section 5535.01 of the Ohio Revised Code requires the county roads to be maintained by the board of county commissioners; and

WHEREAS, Section 307.15 of the Ohio Revised Code provides that a Board of County Commissioners may enter into agreements with the legislative authority of any municipal corporation whereby the legislative authority of any municipal corporation undertakes, and is authorized by the Board of County Commissioners, to exercise any power, perform any function, or render any service, on behalf of the county of the board, that the county or the board may exercise, perform or render; and

WHEREAS, the Licking County Board of Commissioners requires municipalities to enter into a Road Maintenance Agreement when the annexation of land to the municipality causes a roadway or a section thereof to be divided between two political jurisdictions; and

WHEREAS, the pending annexation of approximately 2.00 acres located on the west side of Horns Hill Road causes a section of Horns Hill Road to be divided at the centerline between the City of Newark and Licking County, and;

WHEREAS, Council has determined that the City of Newark has the necessary resources to maintain and make the necessary improvements to all sections of Horns Hill Road as identified in the Horns Hill Road NE (CR 203) Maintenance and Improvement Agreement identified as "Exhibit 1" and attached hereto and incorporated herein by reference.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL THE CITY OF NEWARK, BY A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING THAT:

Section 1: The City of Newark shall enter into an agreement with Licking County that the City will assume maintenance responsibility for the full width of Horns Hill Road as detailed more fully in the corresponding Exhibit 1 attached to this ordinance and maintenance responsibilities shall include but not be limited to: paving, striping, drainage, installation, mowing, maintenance of traffic control devices, and snow removal.

Section 2: The maintenance responsibilities assumed by the City of Newark as described in Section 1 above, shall commence from and after the effective date of the respective annexation of the adjacent parcel into the City.

Section 3: The City of Newark agrees to cooperate with Licking County with regard to maintenance of Horns Hill Road, to ensure that the roads are maintained in a

manner that is in the best interest of the City and township residents and in an economically efficient manner for the City, the townships, and Licking County following the respective annexation(s).

Section 4: The Services Director is hereby authorized to enter into all necessary roadway maintenance agreements with the Licking County Board of Commissioners, relative to the maintenance of Horns Hill Road now and in the future.

Passed this _____ day of _____,

ATTEST: _____

Clerk of Council

DATE FILED WITH THE MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____

Director of Law

AGREEMENT

HORNS HILL ROAD NE (CR 203) MAINTENANCE AND IMPROVEMENT AGREEMENT

This Agreement is made and entered into on this _____ day of _____, 2025 by and between the Board of Licking County Commissioners, 20 S. Second Street, Newark, Ohio ("the County"), and the City of Newark, Ohio, 40 W. Main Street, Newark, Ohio ("the City").

WITNESSETH

In consideration of the terms and conditions hereinafter set forth, the County and the City agree as follows:

Section 1: Authority

Ohio Revised Code §5535.01 requires that all county roads be maintained by the board of county commissioners.

Ohio Revised Code §723.01 requires that all streets located within a municipal corporation be maintained by the legislative authority of the municipal corporation.

Ohio Revised Code §9.482 and §307.15 both authorize a county and/or a municipality to enter into agreements with other political subdivisions whereby the county and/or municipality is authorized by the other political subdivision to exercise any power, perform any function, or render any service, on behalf of the contracting political subdivision, that such political subdivision may exercise, perform, or render.

Section 2: Purpose

Horns Hill Road NE, also known as County Road 203, is a public road that, as a result of several annexations, consists of rights-of-way held by the jurisdiction of Licking County and the jurisdiction of the City of Newark. This Agreement shall set forth the maintenance and improvement responsibility for that portion of Horns Hill Road that is between Wildflower Drive and the current northernmost boundary of the City of Newark on Horns Hill Road ending at a boundary line between parcel 059-297084-00.002 and parcel 054-283524-00.000. For reference, the boundary line of this Agreement that is subject to this agreement is attached hereto and incorporated herein by reference as Exhibit A, and the entire length of the roadway that is subject to this agreement is attached hereto and incorporated herein by reference as Exhibit B.

To better serve the community and to better allocate the City's and County's resources, this Agreement shall set forth the maintenance and improvement responsibility for that portion of Horns Hill Road Northeast that consists of rights-of-ways held by Licking County and the City of Newark between Wildflower Drive and the current northernmost boundary of the City of Newark on Horns Hill Road ending at a boundary line between parcel 059-297084-00.002 and parcel 054-283524-00.000. Said portion of Horns Hill Road shall be hereinafter referred to as the "Shared Portion."

Section 3: City Responsibilities

The City hereby acknowledges that it shall have the following obligations on the Shared Portion of Horns Hill Road Northeast:

- A. Mowing
- B. Snow and Ice Control
- C. Pavement Repairs
- D. Resurfacing
- E. Major Road Improvements
- F. Installation and maintenance of all traffic control devices and streetlights that exist or will exist in the future within the Shared Portion.
- G. Maintenance and repair responsibilities for the two drainage structures that are fully within the limits of the incorporated area of the City of Newark.
- H. Maintenance and repair responsibilities for the bridge and accompanying culvert that is fully within the limits of the incorporated area of the City of Newark.

Section 4: County Responsibilities

The County hereby acknowledges that it shall have the following obligation on the Shared Portion of Horns Hill Road Northeast:

- A. For all bridges, culverts, or other drainage structures that are partially within the City of Newark and partially within the unincorporated area of the County, it is agreed that the County shall be solely responsible for all maintenance, repair, and replacement of said structures.

Section 5: Continuing Responsibility

The County and City shall each continue to be responsible for its own acquisition of any additional rights-of-way that may be necessary for any reason on that portion of Horns Hill Road Northeast not within the Shared Portion held individually by the County and City respectively.

The County and City shall each continue to be responsible for issuing its own licenses and/or permits for work within that portion of Horns Hill Road Northeast not within the Shared Portion held individually by the County and City respectively.

The County and City shall each continue to be responsible for its own maintenance and improvement responsibilities on that portion of Horns Hill Road Northeast not within the Shared Portion held by the County and City respectively that are not otherwise identified and agreed to in Sections 3 and 4 above.

Nothing in this Agreement shall be construed to release Licking County from its continuing duty to be solely responsible to maintain and improve all portions of Horns Hill Road that are not within the Shared Portion of this Agreement.

Section 6: Fund-Sharing Projects

The County shall have no obligation to participate in any fund-sharing of any improvement projects on the portion of Horns Hill Drive Northeast that has not been annexed into the City. If the City proposes a fund-sharing project, the City shall obtain the County's written consent to participate, as evidenced by signed acknowledgement from the Licking County Engineer's Office, *prior* to project initiation ("project initiation" shall mean feasibility studies, preliminary engineering, or any expenditure for professional services).

Section 7: Miscellaneous Terms and Conditions

7.1 Governing Law: All questions regarding the validity, intention, or meaning of this Agreement or any modifications of it relating to the rights and obligations of the Parties shall be construed and resolved under the laws of the State of Ohio. Any suit, which may be brought to enforce any provision of this Agreement or any remedy with respect hereto, shall be brought in the Licking County Common Pleas Court, Licking County, Ohio, and each Party hereby expressly consents to the jurisdiction of such court.

7.2 Severability: If any term or provision of this Agreement or the application of such term or provision to any person or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to any persons or circumstances other than those as to which it is held to be invalid or unenforceable, shall remain unaffected and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

7.3 Headings: The subject headings of the Sections in this Agreement are included for purposes of convenience only, and shall not affect the construction or interpretation of any of its provisions.

7.4 Interpretation: This Agreement shall be deemed to have been drafted by both the County and the City and no inferences of interpretation shall be made to the contrary.

Section 8: Term

This Agreement shall become effective on the date first written above and shall continue until otherwise decided in Section 9 below.

Section 9: Termination and Modification

For the benefit of all Parties and the convenience and welfare of the public, except as otherwise set forth in Section 8 herein, this Agreement shall not be terminated or suspended except that when acting for a good cause, all Parties may unilaterally terminate or suspend this Agreement upon filing proper notice with the other Parties at least one year in advance of the effective date

of termination, stating the intention of the Party to suspend or terminate the Agreement for good cause. The Agreement will automatically terminate if and at such time that the entire portion of Horns Hill Road that is the responsibility of City pursuant to this Agreement, is annexed by City and is within the City corporate boundary. The Parties may mutually agree to terminate or suspend (or Amendment upon future annexation) this Agreement at any time for any reason by action of all Parties.

Amendments to this Agreement shall not be effective unless in writing and signed by all Parties.

Section 10: Entire Agreement

This Agreement contains the entire understanding of the Parties. This Agreement supersedes any and all other agreements or understandings between the Parties.

The Rest of Page Intentionally Left Blank
[Signature Page to Follow]

ORDINANCE NO. 26-01

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 483 RIDGE AVENUE, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-192894-00.000, FROM THAT OF SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY ZONING DISTRICT TO TFR TWO-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 SINGLE-FAMILY RESIDENCE RH-HIGH DENSITY ZONING DISTRICT TO TFR TWO-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

GENERAL WARRANTY DEED
(R.C. 5302.05 and 5302.06)

KNOW ALL MEN BY THESE PRESENTS, that **Anthony Scott McCartney, married**, of Licking County, for valuable consideration paid, grant(s), with general warranty covenants, to **Samuel R. Blair and Rebekah M. Blair**

whose tax mailing address is 257 Summit St., Newark OH 43055

the following real property situated in the City of Newark, County of Licking, State of Ohio:

Being Lot Number Three Thousand Nine Hundred Forty-Six - A (3946A) of Augustus H. Helsey's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 254, Recorder's Office, Licking County, Ohio. Re-platted as Instrument No. ~~XXXXXXXXXXXX~~ 202102110004673

Parcel No.: 054-192894-00.000

Property Address: 483 Ridge Avenue, Newark, OH 43055

Prior Instrument Reference: Recorded as Instrument Number 202008050019666, Recorder's Office, Licking County, Ohio.

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Bethany Leigh McCartney, spouse of grantor, releases all rights of dower therein.

Executed this 30th day of Sept, 2024.

DESCRIPTION

APPROVED

FOR ZONING PURPOSES

By [Signature]

Div. of Engineering
City of Newark, Ohio
State of Ohio
County of Licking

[Signature]
Anthony Scott McCartney

[Signature]
Bethany Leigh McCartney

The foregoing instrument was acknowledged before me freely this 30th day of Sept., 2024 by Anthony Scott McCartney and Bethany Leigh McCartney.



WENDY S MILLER
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 12-13-2026

[Signature]

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

This Instrument was prepared by:
Blevins & Associates LLC
920 Cherryfield Avenue
Columbus, OH 43235

First American Title File Number: 2808387NE

Resolution No.26-01

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 a **disappropriation** of the appropriated balance of the 665 CSO/Sewer Projects Fund, in the amount of \$25,000,000.00 (Original budget for project was \$65,000,000. Bid opened at \$38,000,000. Leaving extra \$2,000,000 for project contingency.)

665.765.5522765	Sewer Lines 16 North Sewer Project	25,000,000.00
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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 _____, 2026.

President of Council _____

Attest Clerk of Council _____

Date filed with Mayor _____

Date approved by Mayor _____

Mayor _____

Approved as to form Director of Law _____, _____