

April 14, 2022

SERVICE COMMITTEE

April 18, 2022

Committee and Council Meetings can be viewed by accessing YouTube or Facebook

Council Chambers

Following Finance Committee

AGENDA

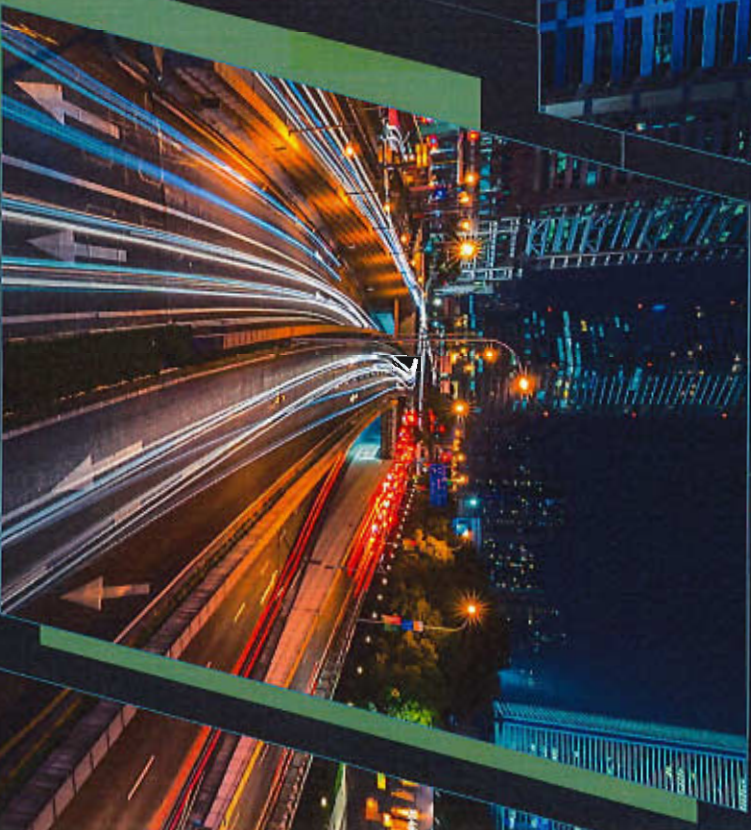
1. **Presentation** by HORIZON on fiber optics for the City of Newark
2. Consider **Resolution No. 22-39** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF LOCUST STREET IN THE DOWNTOWN AREA AS GERALD K. MCCLAIN WAY
3. Consider **Resolution No. 22-42** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-23) FOR ROAD SALT AND DECLARING AN EMERGENCY.
4. Consider **Resolution No. 22-43** Project scope includes pavement reconstruction, vertical profile improvement, installation of turn lanes, and reconstruction of intersection at Thornwood Drive and West Main Street
5. Consider **Resolution No. 22-44** A RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT OVER CERTAIN REAL PROPERTY CONTROLLED BY THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY
6. Other items at the discretion of the chair



CITY OF NEWARK

NEWARK MAYOR HALL

February 8th 2022



WHY FIBER OPTICS

DOES ANYONE IN YOUR HOUSEHOLD

- Work or School From Home
- Facebook – Instagram – Tik Tok
- Gaming – X Box – Play Station
- Streaming Movies / Music
- Firestick – Roku – Apple TV

DOES YOUR HOUSEHOLD HAVE

- 4K TV
- Heating / Cooling Thermostat (2018)
- Security – Ring Doorbell
- Smart Apps – Alexa - Nest
- Baby Monitors - Photos

69% OF HOMES HAVE AT LEAST ONE SMART HOME DEVICE

ARE YOU READY FOR THE FUTURE, IS YOUR FUTURE NOW?

- Tablets – Smart Watch – Latest Cell Phones – Newest Computers
- Lighting – Washer Dryers – Refrigerators – Ovens – Microwaves
- Water Usage – Electricity – Door Locks – Up To Date WIFI Routers

VIRTUAL HOUSEHOLD NEEDS

- Tele Medicine
- Virtual Doctors Appointments
- Shopping from Home
- Virtual Home Buying / Selling
- Anything Virtually

SMALL BUSINESS

- Restaurants, Retail, Dry Cleaners
- POS Credit Cards – 4K TV
- Customer WIFI – Web Page
- Phone Service – Security
- Cloud – Cyber Security - VPN

WHY HORIZON

RECEIVE THE SAME LIFE SAVING AND MISSION CRITICAL FIBER SERVICE TO YOUR HOME THAT THE BIGGEST COMPANIES IN THE REGION RECEIVE

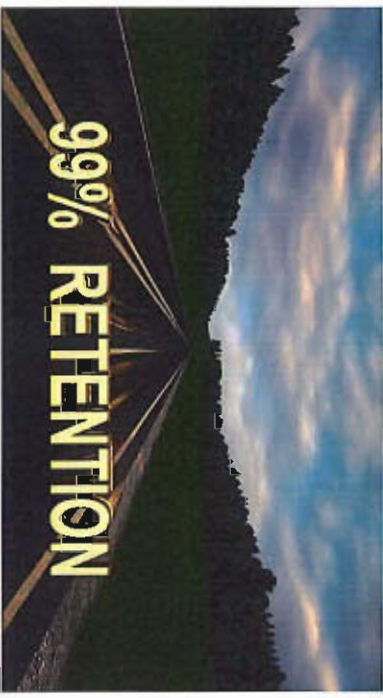


STATE OF THE ART NETWORK / RINGED

126 YEARS OLD

NOVA CAP / GCM OWNERSHIP

NO 3rd PARTY BILLING



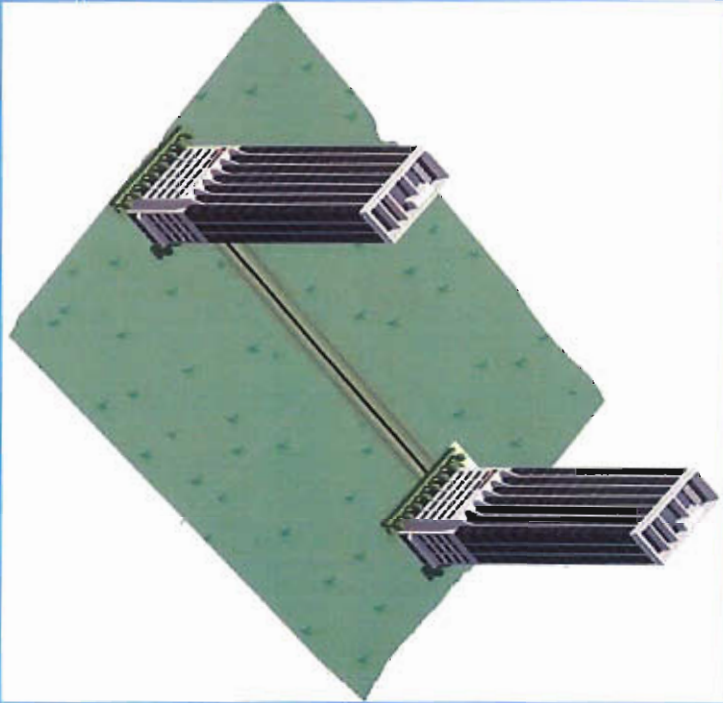
NOC, PM'S, EXECUTIVES IN COLUMBUS

CALLS NEVER GO WEST COAST / OVERSEAS

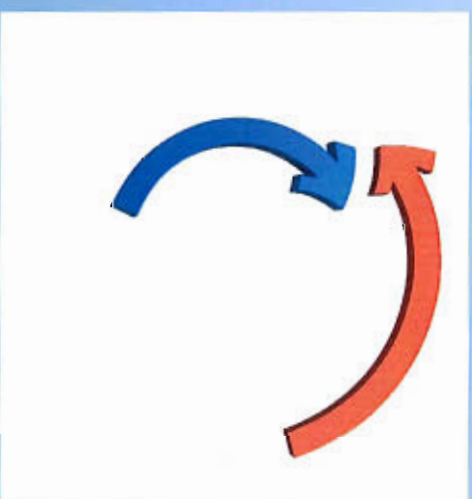
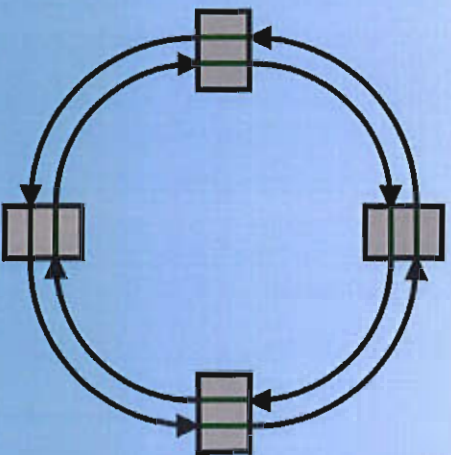
MTTR 3-4 HOURS MONTHLY AVERAGE

CONSULTATIVE - FUTURE PROOFING YOUR NETWORK

LATERAL PATH

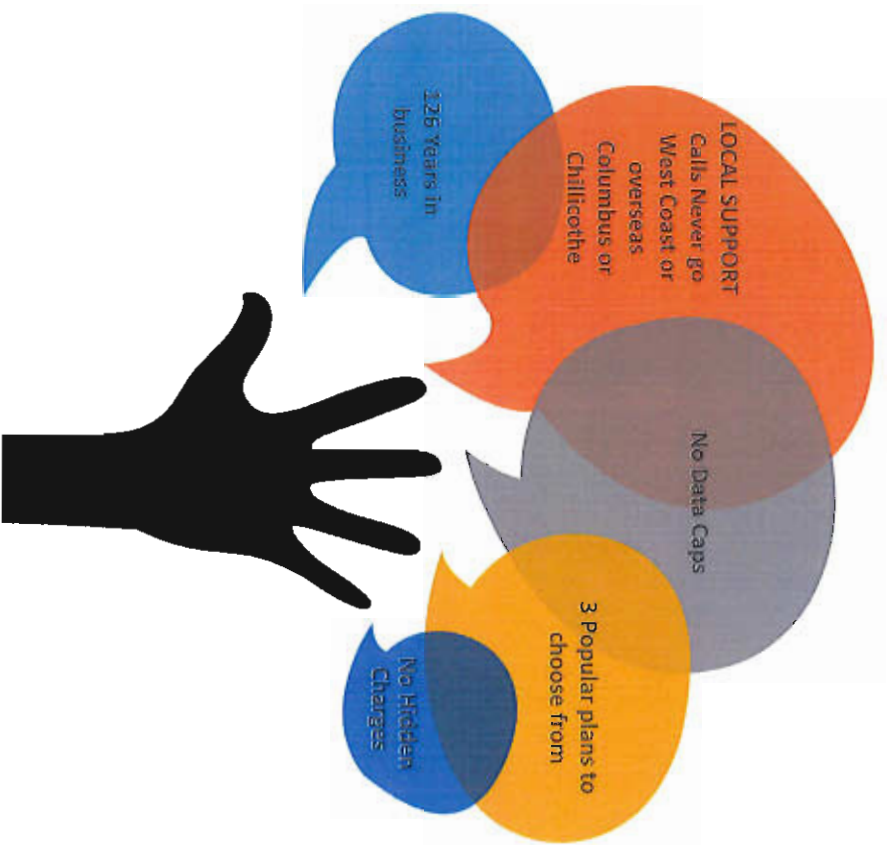


Helping Communities Grow With Reliable Fiber



RINGED PATHS
CUSTOMIZED SOLUTIONS

WHY CHOOSE HORIZON FIBER TO THE HOME



NO DATA CAPS

Whether your fiber usage is a lot or a little -
You bill will always be the same and never change

WIFI ROUTER

1 WiFi Router is included with professional installation. Designed to handle fiber speeds

SUPERIOR FIBER

No shared network. Speeds won't fluctuate during busy times. Symmetrical speeds 24/7/365

COMPETITIVE PRICING

Popular plan options that meet the needs of all. No hidden charges. Professional installation

LOCAL SUPPORT

Headquarters in the region, billing and support calls never go West Coast or overseas

HOME BUYER'S GUIDE:

Presented by:

The Value of All-Fiber Broadband Connectivity



Homeowners want reliable, high-performance broadband service to enable instant, frictionless access to Internet content, services, and applications from the multiple devices they have in their homes. Of the many broadband network technologies that connect to the home, only all-fiber networks, where fiber is the only transmission medium to the home, deliver all of the following—

HIGH-SPEED ACCESS

All-fiber networks deliver gigabit speeds and transmit data at faster rates than cable, DSL, and wireless networks.

SYMMETRICAL (Downstream & Upstream) ACCESS

All-fiber networks enable homeowners to download and upload data at the same high speeds, an important factor as homeowners share videos with family and friends.

LOW LATENCY

All-fiber networks transmit at low latency, so there are no disruptions or annoying delays in accessing information.

RELIABILITY

All-fiber networks are highly reliable, so downtime is rare.

FUTURE-PROOF NETWORKS

All-fiber networks can support continuous enhancements and innovations that homeowners will need for decades to come.

Homeowners increasingly recognize the need to have a home with an all-fiber network so that everyone in the house can not only surf the Internet, but also stream videos and music, and stay connected to their IoT devices. Plus, not only can having all-fiber connectivity improve your Internet experience, it could also **INCREASE A HOME'S VALUE BY MORE THAN 3%**.



How much bandwidth does your house need?

Whether you are video chatting, uploading family videos, or playing your favorite online games—you may be using more bandwidth than you think. Around the US, broadband providers are transforming their networks to all fiber-optic technology to deliver the speed and reliability you need to stay connected and enjoy all of your favorite devices.

The central illustration shows a cross-section of a modern home with various rooms and activities. Surrounding this are icons representing different bandwidth requirements for various activities:

- 8 KBPS** Smart Watch
- 12 MBPS** Teleconferencing with colleagues
- 6 MBPS** Faster music downloading with services like Spotify
- 512 KBPS** Home Automation
- 25 MBPS** Connected 4K TV
- 50 MBPS** 40"/48" HDTV Gaming System
- 6 MBPS** Smart Thermostat
- 12 MBPS** Wi-Fi enabled Washer and Dryer
- 1 MBPS** Phones or Wi-Fi
- 6 MBPS** Baby-sitting device connected to mobile phones
- 2 MBPS** Smart Refrigerator
- 6 MBPS** Streaming received video
- 8 MBPS** Fiber-connected Smart Fridges
- 2 MBPS** Smart Doorbell
- 6 MBPS** Outdoor Home Security System
- 320 KBPS** Wireless Speaker System

Modern homes like this require a huge amount of bandwidth—more than 100 MBPS!—and fiber broadband offers the fastest, most reliable connection so you don't experience any disruptions.

FIBER IN THE COMMUNITY

2021

RESIDENTIAL – SMB – ENTERPRISE

Affordable, reliable fiber supporting residential, small business and enterprise business is essential to strategic growth in any community. What used to be an after-thought when determining where a family or business moves, is now a leading topic of conversation “What type of broadband is available?”

SMALL BUSINESS (SMB) – Invaluable as in the United States 31.7 million small businesses are fostering local economies, keeping money close to home and supporting neighborhood’s

ENTERPRISE BUSINESS – 500 plus employees. Fills empty land property and office space. Generates revenue, taxes while establishing and reinforcing a local identity.

CEO’s are selective when it comes to moving or purchasing warehouse and office space as they look to ensure localities have quality schools, housing and broadband; an enriching environment to sustain employees and their families

STARTS WITH FIBER

Enterprise Business lives in the tech cloud, VPN, servers, all functionality is fiber centric

Small Business is the backbone to local economies. Horizon’s FTTP enables SMB to finally receive premium fiber, essential for sustainability, at an affordable rate.

Residential Community will be able to participate in Telemedicine, Home School, Work From Home, download a full length HD movie in 30 seconds, or 25 songs in 1 second, etc.

Home values will increase 3% with FTTP. Regions will become desired destinations with Horizon’s preeminent fiber



Work with Market Development to assist in selling land

Tie together developers / builders

PARTNERSHIP

No Gimmicky Prices, No Contracts, No Data Caps
Real People, Real Rates, Real Service
Free Install – No 3rd Party Billing

NO DATA CAPS



Whether your fiber usage is a lot or a little -
You bill will always be the same and never change

WIFI ROUTER



1 WiFi Router is included with professional
installation. Designed to handle fiber speeds

SUPERIOR FIBER



No shared network. Speeds won't fluctuate
during busy times. Symmetrical speeds 24/7/365

COMPETITIVE PRICING



Popular plan options that meet the needs of all.
No hidden charges. Professional installation

LOCAL SUPPORT



Headquarters in the region, billing and support
calls never go West Coast or overseas

LIGHT SPEED 1 GIG
\$99.95 / Month

LIGHT SPEED 500
\$80.95 / Month

LIGHT SPEED 250
\$65.95 / Month



Commissioners of Ross County

THE GREAT SEAL COUNTY OF OHIO • THE STATE'S FIRST CAPITAL

2 NORTH MAIN STREET, SUITE K, COLUMBUS, OHIO 43201

TELEPHONE: 740-702-3085 TDD - FAX: 740-374-1502 • (877) 727-3085

web address: <http://www.rosscountygovernmentservices.com> • Email: rosscountygov@info.gov

Dwight A. Garrett, President
620 Seaman Road
Columbus, Ohio 43201
Phone: 740-773-1188

Jenna E. Lema, Vice President
175 Main Street
Fayette, Ohio 45628
Phone: 740-966-7831

R. Douglas Carston, Commissioner
271 Granite City Drive
Columbus, Ohio 43260
Phone: 740-773-6278

Peter Voderberg
Chief, Office of BroadbandOhio
State of Ohio Department of Development
77 South High Street
Columbus, Ohio 43201

Subject: Letter of Support for the BroadbandOhio NITIA Broadband Infrastructure Program Application

Mr. Voderberg,

On behalf of the Ross County Board of Commissioners, I am writing in support of the proposed BroadbandOhio NITIA Broadband Infrastructure Program Application. This potential project by Horizon Telecom in portions of Ross, Pickaway and Fairfield counties is a great step towards addressing the digital divide and achieving digital equity in our community by connecting homes and businesses with fast, reliable, and affordable internet service.

Rural Ohio's economic, educational, and cultural well-being depends on everyone having access to affordable high-speed internet. In the low population density areas of Ohio such as the area in Horizon's proposal, we have seen too many examples of students, workers, and older adults held back due to inadequate service impeding their access to educational resources, constraining their ability to work remotely, and hindering their ability to take advantage of telehealth services and connected health devices.

Horizon has long been a partner in helping to close the digital divide. Their investments and grant wins have previously resulted in the deployment of high-capacity fiber to schools, healthcare facilities and other community anchors through the NITIA Broadband Technology Opportunities Program and the FCC Rural Healthcare Pilot Program.

We are in support of BroadbandOhio and their NITIA Broadband Infrastructure Program Application. Thank you for your consideration.

Respectfully,

Dwight A. Garrett, President



Waverly, OH 45690
740-947-2853
800-223-7491 (in Ohio)
www.ovrdc.org

August 6, 2021

Peter Voderberg
Chief, Office of Broadband/Ohio State of Ohio Department of Development
77 South High Street
Columbus, Ohio 43201

Subject: Letter of Support for the Broadband/Ohio NITIA Broadband Infrastructure Program Application

Mr. Voderberg,

I am writing in support of the proposed Broadband/Ohio NITIA Broadband Infrastructure Program Application. This potential project by Horizon Telecom in portions of Ross, Pickaway and Fairfield counties is a great step towards addressing the digital divide and achieving digital equity in our community by connecting homes and businesses with fast, reliable, and affordable internet service. Rural Ohio's economic, educational, and cultural well-being depends on everyone having access to affordable high-speed internet. In the low population density areas of Ohio such as the area in Horizon's proposal, we have seen too many examples of students, workers, and older adults held back due to inadequate service impeding their access to educational resources, constraining their ability to work remotely, and hindering their ability to take advantage of telehealth services and connected health devices.

Horizon has long been a partner in helping to close the digital divide. Their investments and grants have previously resulted in the deployment of high-capacity fiber to schools, healthcare facilities and other community anchors through the NITIA Broadband Technology Opportunities Program and the FCC Rural Healthcare Pilot Program.

We are in support of Broadband/Ohio and their NITIA Broadband Infrastructure Program Application. Thank you for your consideration.

Respectfully,

John W. Hemmings III
Executive Director

OH BROADBAND ALLIANCE

Peter Voderburg and Lt Governor John Husted are spearheading the effort of getting Fiber-To-The-Home to as many residents as possible:

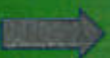
December 7th Columbus Library - Horizon's FTTH efforts in this arena were singled out by Peter Voderburg

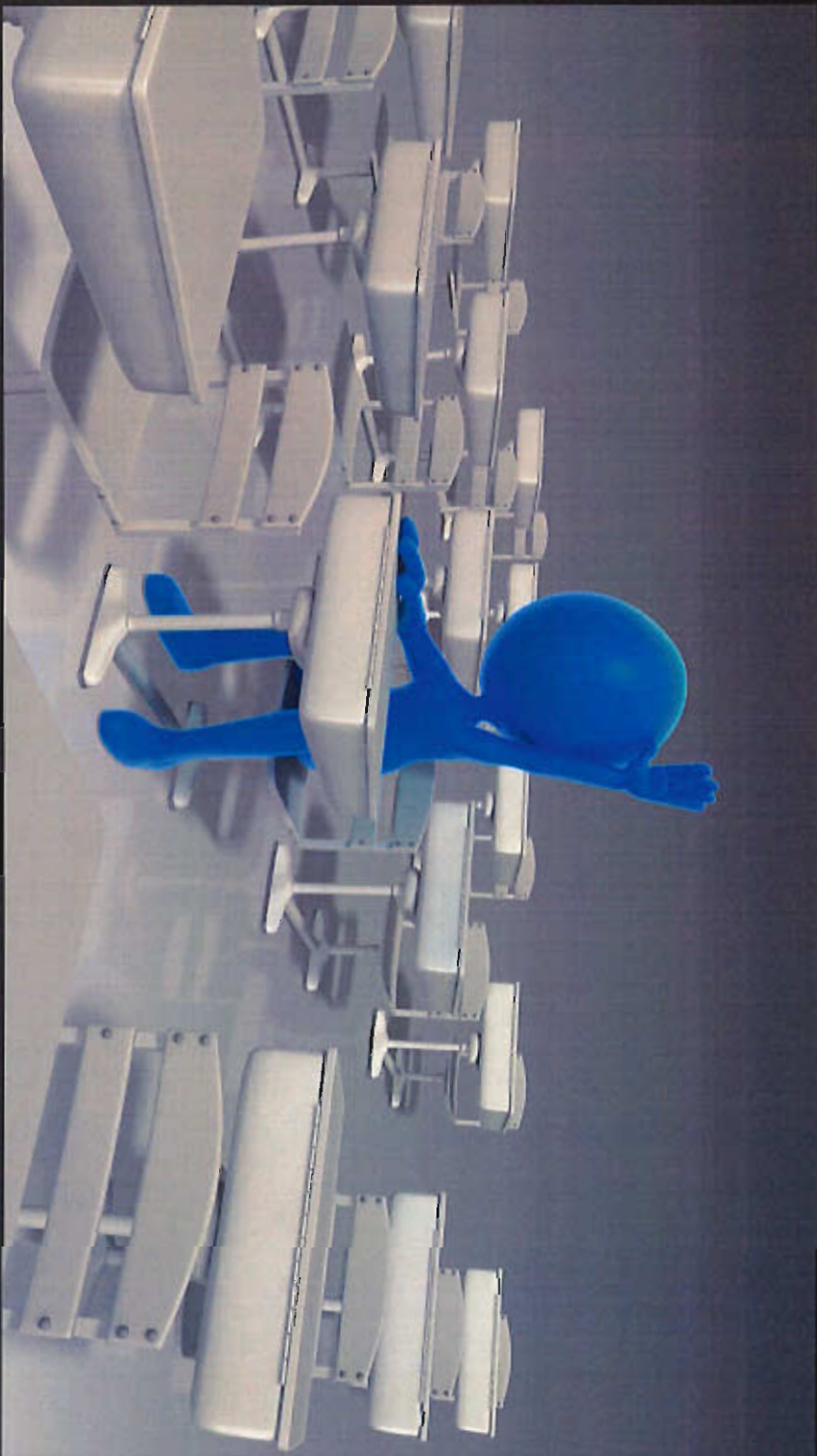
Another noteworthy recognition - Horizons' Jim Lump is leading the charge for: **Ohio's Work Force Development** initiative. Teaching people to become **CFOT / Certified Fiber Optic Technician**

We are excited about Fiber To the Home (Prem) FTTH / FTTP for the residential, enterprise and SMB's in your entire footprint

VISION: Horizon will assist Newark in enhancing the quality of life in your community

Market Development – Help Newark Grow!
Public WIFI -Town – Revenue Generator?





QUESTIONS
THANK YOU

February 8th 2022

RESOLUTION NO. 22-39

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE OF THE CITY OF NEWARK, OHIO TO PROCEED WITH THE STEPS NECESSARY TO DESIGNATE A PORTION OF LOCUST STREET IN THE DOWNTOWN AREA AS GERALD K. MCCLAIN WAY

WHEREAS, in the Downtown area, East Locust Street runs from North 1st Street to North 3rd Street, and West Locust Street begins at North 3rd Street and continues westward to North 5th Street and beyond;

WHEREAS, this Council deems it appropriate to honor Gerald K. McClain for his many various accomplishments and philanthropic contributions to the betterment of the City of Newark, Ohio and Licking County, Ohio, and;

WHEREAS, Council has determined that it is appropriate to honor Gerald K. McClain by designating East and West Locust Street, from North 1st Street to North 5th Street, as **Gerald K. McClain Way**.

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 designate East and West Locust Street from North 1st Street to North 5th Street as **Gerald K. McClain Way**.

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 _____ 2022.

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

DATE FILED WITH MAYOR: _____

DATE APPROVED BY MAYOR: _____

MAYOR

FORM APPROVED: _____
DIRECTOR OF LAW

City of Newark
Division of Engineering

MEMORANDUM

TO : Service Committee
FROM: Brian Morehead, City Engineer
DATE : 11 April 2022
RE : Committee Agenda for 4/18/2022

Please allow time on your next agenda to discuss submitting legislation to Council for the following items:

- 1) Legislation to authorize and direct the Director of Public Service to participate in the ODOT Winter Salt Contract (018-23) and declaring an emergency. The emergency measure is necessary because ODOT requires the executed legislation to be delivered to them by Friday, April 29, 2022 (or as soon as possible afterward) to be included in the program.

- 2) **Preliminary Legislation** cooperating with the Ohio Department of Transportation (ODOT) in carrying out the LIC-TR134-00.53 – PID 109931 project, which is the construction of improvements to Thornwood Drive from River Road south to Faye Drive, including its intersection with West Main Street. The City's share of matching funds is not determined at this point; the design of the roadway will need to get underway in 2nd half of 2022. The project will get to construction in 2025-26.

Please let me know if you have any further questions before the meeting.

cc: David Rhodes, Service Director, City Engineer, File

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT WINTER CONTRACT (018-23) FOR ROAD SALT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Newark in Licking County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-23) in accordance with Ohio Revised Code 5513.01 (B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless of any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be in the amount of **1500 tons**, of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request no later than Friday, April 29, 2022 by 5:00pm. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political

Subdivision to ensure ODOT has received this participation agreement as well and the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

WHEREAS, The emergency measure is necessary for the immediate preservation of the public, peace, health, safety, and welfare due to the program deadline set by ODOT.

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

Section 1: That this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 2: That the Service Director is hereby authorized to agree in the name of the City of Newark to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3: That the Service Director is hereby authorized to agree in the name of the City of Newark to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Newark participates, for items it receives pursuant to the contract.

Section 4: This Resolution shall become effective immediately as an emergency pursuant to Article 4.07 of the Charter of the City of Newark, Ohio for the immediate preservation of the public peace, health, safety, and welfare

Adopted this _____ day of _____, 2022.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Service Director

Form Approved: _____
Law Director

Prepared by the Division of Engineering.

PRELIMINARY LEGISLATION

Participatory

Rev. 6/26/00

Resolution #: 22-43

County/Route/Section: LIC TR 134 00.53

The following is a Resolution enacted by the City of Newark of Licking County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the LPA has determined the need for the described project:

Project scope includes pavement reconstruction, vertical profile improvement, installation of turn lanes, and reconstruction of intersection at Thornwood Drive and West Main Street.

NOW THEREFORE, be it ordained by the City of Newark of Licking County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into an LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

For a breakout of costs and funding sources by Phase, please refer to Agreement 37463, Attachment 1.

The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way includes eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V – Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The LPA hereby authorizes David Rhodes, Service Director of the City of Newark is hereby empowered on behalf of the City of Newark to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, Service Director to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Newark to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION VII – Effective Date

Following appropriate legislative action, **this Resolution** shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022.
(Date)

President of Council: _____

Attested: _____
(Clerk of Council)

Date filed with Mayor: _____

Date Approved by Mayor: _____

Mayor: _____

Approved as to form – Director of Law: _____

Contracting Agent – Service Director: _____

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Newark of Licking County, Ohio

I, _____, as Clerk of the City of Newark of Licking County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution _____ adopted by the legislative Authority of the said City of Newark on the _____ day of _____, _____.

That the publication of such Resolution has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____ 2_____.

(Clerk)

(SEAL)

City of Newark of Licking County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the City of Newark of Licking County, Ohio.

Attested: _____ Date _____

(Contractual Agent)



For the State of Ohio

Attested: _____ Date _____

(Director, Ohio Department of Transportation)

RESOLUTION NO. _____ 22-44

BY: _____

A RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT OVER CERTAIN REAL PROPERTY CONTROLLED BY THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the City of Newark, Ohio currently controls the use of the public right-of-way adjacent to the property at 66 South Hazelwood Avenue, Newark, Ohio, Auditor's Parcel Number 054-212892-00.000; and,

WHEREAS, the City desires to convey an easement over such property for the encroachment of an existing garage structure into the public right-of-way, which will facilitate the sale and transfer of the property at 66 South Hazelwood Avenue; and,

WHEREAS, the terms and conditions of such easement are contained in the Grant of Easement attached hereto and the conveyance of the subject easement would promote the general welfare and stabilize the neighborhood in question; and,

WHEREAS, it is immediately necessary to provide for the health, safety and welfare of the citizens of the City of Newark, Ohio, to allow this easement so that the property may be properly transferred to a new owner in a timely fashion.

WHEREAS, this matter was considered in regular session of the Service Committee which 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 the Grant of Easement attached hereto subject to the terms and conditions thereof finding the use of such underlying real property by the City of Newark, Ohio serves no significant municipal purpose and that the City's interests are best served by conveyance of such easement to the adjoining property owner.

SECTION TWO: An emergency is hereby declared to exist for the reason that action must be taken immediately to meet the citizen's deadline for the property transfer. Therefore, this Resolution shall become effective immediately in accordance with Article 4.07 of the Charter of the City of Newark, Ohio.

Passed this _____ day of _____, 2022.

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

HOY LAND SURVEYING
 1767 McCorkle Blvd #1767
 Westerville, Ohio 43086
 Phone: 614-679-1186



JOB NUMBER #: 1760-2022 S DATE OF DRAWING 3-25-22

CERTIFIED TO CHICAGO TITLE COMPANY

LENDER PARK NATIONAL BANK

BUYER MORGAN

LEGAL DESC. LOT 13 ~ HAZELWOOD ADDITION

P.B. 4 PG. 21

CITY/TWP. NEWARK

COUNTY LICKING

DRN. SAS

CK. SJH

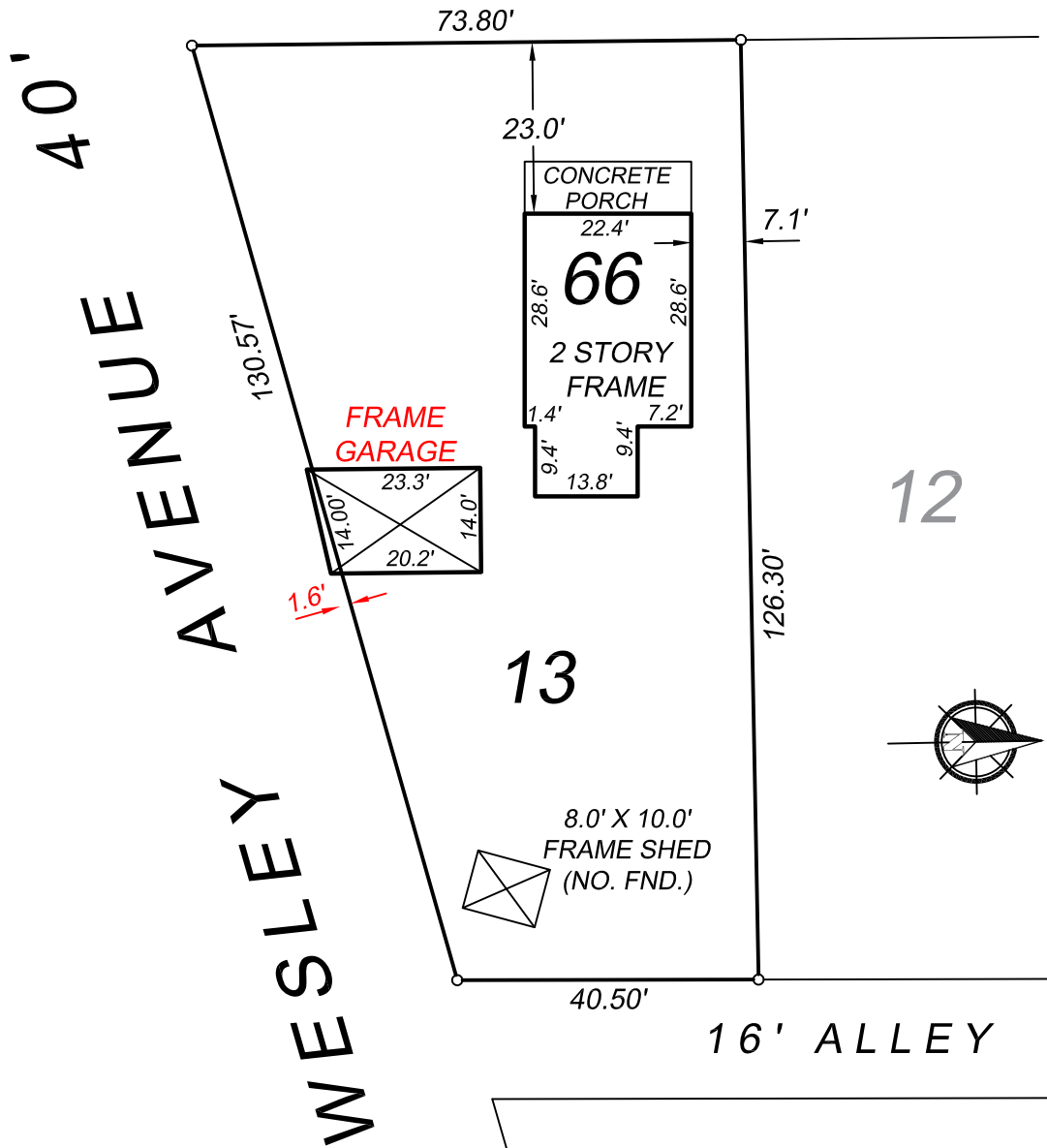
DRAWING SCALE 1" = 25'

FEMA INFORMATION: FLOOD ZONE X

MAP PANEL INFO 39089C 0361J

MAP DATE 3-16-15

S. HAZELWOOD AVENUE 40'



ENCROACHMENT INFORMATION

**FRAME GARAGE OVER
PROPERTY LINE BY 1.6'**

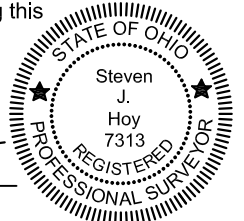
I / WE HAVE RECEIVED A COPY OF THIS SURVEY
AND FIND THE CONDITIONS ACCEPTABLE.

BUYER / OWNER

BUYER / OWNER

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a Boundary Survey pursuant to Chapter 4733-37, Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and is not to be construed as having been prepared for the owner and is not to be used to erect fences or other structures. Easements shown on this plat were taken from the subdivision plat of record. Additional easements affecting this property may exist.

By



ENCROACHMENT EASEMENT AGREEMENT

THIS ENCROACHMENT EASEMENT AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2022, by and between City of Newark, Ohio, an Ohio municipal corporation, Grantor, and John Morgan, Grantee.

WHEREAS, Wesley Avenue is a dedicated public right-of-way in the city limits of the City of Newark, Ohio, as shown on the Plat of the Hazelwood Annex Addition of Wesley Montgomery, Trustee, to the said City of Newark, recorded in Volume 4, at page 21, of the Plat Records of Licking County, Ohio (the “Burdened Property”); and

WHEREAS, Grantee is the owner of a tract of real estate identified on the Licking County Auditor’s tax maps as Parcel 054-212892-00.000, and more fully described in Exhibit A attached hereto (the “Benefitted Property”); and

WHEREAS, a frame garage located on the Benefitted Property (the “Garage”) currently encroaches onto the Burdened Property as shown on the Mortgage Location Survey prepared by Hoy Land Surveying, Job Number 1760-2022 S, dated March 25, 2022, attached hereto as Exhibit B; and

WHEREAS, Grantor wishes to grant to Grantee an easement over that portion of the Burdened Property on which the Garage encroaches in order that the Garage may remain where it is currently located.

NOW THEREFORE, in consideration of the sum of \$1.00 and other good and valuable consideration, Grantor hereby grants to the Grantee, his successor and assigns forever, an easement over that portion of the Burdened Property on which the Garage encroaches as shown on the Mortgage Location Survey prepared by Hoy Land Surveying, Job Number 1760-2022 S, dated March 25, 2022, attached hereto as Exhibit B. The easement shall include the right of Grantee, his successors and assigns, and his agents, employees, contractors, licensees and tenants to make reasonable entry onto the Burdened Property for purposes of inspection, maintenance and repair of the Garage.

The easement granted herein shall run with the land and inure to the benefit of Grantee, his successors and assigns forever, provided however, that in the event the Garage shall be destroyed, replaced or rebuilt, it shall be reconstructed only in such a manner as to be located solely within the boundaries of the Benefitted Property.

IN WITNESS WHEREOF, this Agreement is executed by Grantor and Grantee as of the day and year first above written.

GRANTOR:

City of Newark, Ohio,
an Ohio municipal corporation

By: _____

Title: _____

GRANTEE:

John Morgan

STATE OF _____

SS

COUNTY OF _____

The foregoing instrument was acknowledged before me this this _____ day of _____, 2022 by _____, _____ (Title) of City of Newark, Ohio, an Ohio municipal corporation.

Notary Public

My Commission Expires: _____

STATE OF _____

SS

COUNTY OF _____

The foregoing instrument was acknowledged before me this this _____ day of _____, 2022 by John Morgan.

Notary Public

My Commission Expires: _____

This instrument prepared by Forsythe, Mills and Neff, Co. L.P.A., Attorneys at Law

Auditor's Parcel #: 054-212892-00.000

Address: 66 South Hazelwood Avenue, Newark, Ohio 43055

EXHIBIT A
Benefitted Property

Situated in the City of Newark, County of Licking, and State of Ohio:

Being Lot Number Thirteen (13) in the Hazelwood Annex Addition of Wesley Montgomery, Trustee, to the said City of Newark as shown on the Plat of said addition recorded in Volume 4, at page 21, of the Plat Records of Licking County, Ohio.

Auditor's Parcel #: 054-212892-00.000

Address: 66 South Hazelwood Avenue, Newark, Ohio 43055

EXHIBIT B
Mortgage Location Survey