

September 1, 2022

SERVICE COMMITTEE

September 6, 2022

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

Council Chambers

Following Finance Committee

AGENDA

1. Consider **Resolution No. 22-80** A RESOLUTION APPROVING THE EXECUTION OF A FIRST AMENDMENT TO THE PATASKALA CORPORATE PARK JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT WITH THE CITY OF PATASKALA AND THE TOWNSHIP OF HARRISON.
2. Consider **Ordinance No. 22-36** AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 26 VINE STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-192246-00.000 FROM THAT OF SINGLE FAMILY RESIDENCE, RH-HIGH DENSITY DISTRICT TO HB – HIGH INTENSITY BUSINESS DISTRICT, ZONING CODE OF THE CITY OF NEWARK, OHIO
3. Consider **Resolution No. 22-84** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A COOPERATIVE AGREEMENT WITH THE DEVELOPERS OF THE LANDING AT NEWARK STATION APARTMENT DEVELOPMENT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR ROADWAY IMPROVEMENTS TO WEST MAIN STREET AND SOUTH 11th STREET.
4. Consider **Resolution No. 22-85** A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.
5. Consider **Resolution No. 22-86** Bridge maintenance work on various structures on LIC SR 16/SR 79 Coordination note with PID 98279 (LIC-79-13.30). ODOT will complete maintenance and rehabilitation on 22 structures along State Routes 16 and 79 within City of Newark.
6. Consider **Resolution No. 22-87** Resurfacing with related work. ODOT will complete resurfacing (mill and fill) along State Routes 16 and 79 in cities of Heath and Newark.
7. Other items at the discretion of the chair

RESOLUTION NO. 22-80

BY _____

A RESOLUTION APPROVING THE EXECUTION OF A FIRST AMENDMENT TO THE PATASKALA CORPORATE PARK JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT WITH THE CITY OF PATASKALA AND THE TOWNSHIP OF HARRISON.

WHEREAS, pursuant to R.C. 715.70 – R.C. 715.72, by ordinance 09-74, the City of Newark, Harrison Township and the City of Pataskala executed a Joint Economic Development District Contract on December 22, 2009 creating the Pataskala Corporate Park Joint Economic Development District (the “JEDD”). The JEDD currently encompasses the area depicted in Exhibit E, and;

WHEREAS, pursuant to the Original JEDD Contract, the Board of Directors for the JEDD imposed a 1.75% tax on income from employees working within the Original JEDD Area and on net business profits in the Original JEDD Area; and,

WHEREAS, Pataskala Logistics Land, LLC (the “Developer”) desires to develop a parcel of land for industrial purposes (the “Project” or “Project Area”) at a site within the boundaries of the City of Pataskala (the “JEDD Addition”) which is further described on the attached Exhibit A and incorporated herein by this reference, provided the appropriate economic development incentives are available to support the economic viability of the Project. The JEDD Addition is located outside of the Original JEDD Area as depicted in Exhibit F. The Original JEDD Area and the JEDD Addition are referred to collectively here as the “Expanded JEDD Area”. The Expanded JEDD Area is depicted on Exhibit A hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to R.C. 715.761, the contracting parties of the JEDD may amend the contract from time to time to add to the JEDD District any area that was not originally included in the District when the contract became effective; and,

WHEREAS, the Council for the City of Newark, along with the City of Pataskala and the Township of Harrison, want to add the JEDD Addition to the Original JEDD Area by executing a First Amendment to the Pataskala Corporate Park Joint Economic Development Contract (the “First Amendment to JEDD Contract”), substantially in the form attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, Council for the City of Newark desires to enter into the First Amendment to JEDD Contract for the purpose of facilitating economic development to create jobs and employment opportunities and to improve the economic welfare of the people in the City of Newark, the Township of Harrison, and the City of Pataskala, Licking County (the “County”), and the State

of Ohio (the “State”) and anticipates that adding the JEDD Addition to the Original JEDD Area will bring economic development, jobs and revenue to the City, the Township, the County and the State; and

WHEREAS, the JEDD Addition meets all the criteria set forth in the JEDD Statute; and

WHEREAS, Council for the City of Newark has authority to enter into the First Amendment to JEDD Contract pursuant to the JEDD Statute; and

WHEREAS, pursuant to R.C. 715.72(L)(2), Council for the City of Newark has made available for public inspection a copy of the First Amendment to JEDD Contract, a description of the area to be added to the Original JEDD Area, and a map of the area to be added to the Original JEDD Area in sufficient detail to denote the specific boundaries of the area; and

WHEREAS, pursuant to R.C. 715.729(I)(1), Council for the City of Newark has published a notice of public hearing in a newspaper of general circulation in the City, a certification from the City that the public hearing was held, the date of the hearing, and evidence of publication of the notice of the hearing is attached hereto as Exhibit D; and

WHEREAS, the Developer, as the only owner of the JEDD Addition, filed property owner and business owner petitions pursuant to R.C. 715.72(L)(3), thus alleviating the need for the City to give notice as would otherwise have been required under R.C. 715.72(J); and

WHEREAS, pursuant to R.C. 715.72(L)(2), Council for the City of Newark has held a public hearing allowing for public comment and recommendation on the First Amendment to JEDD Contract and the JEDD; and

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS PRESENT CONCURRING THAT:

Section 1: Council for the City of Newark hereby finds and determines the terms of the First Amendment to JEDD Contract are in the best interests of the City and its residents and will enhance economic development, create jobs and employment opportunities, and improve the economic welfare of the people of the City, the Township, the City of Newark, the County, and the State.

Section 2: Council for the City of Newark hereby approves the First Amendment to JEDD Contract, freely and without duress or coercion, and authorizes the Mayor to execute the First Amended JEDD Contract, substantially in the form attached hereto as Exhibit B, with such non-material and/or non-adverse changes as may be deemed appropriate by the Mayor, on behalf of the City. Such execution on behalf of the City shall constitute conclusive evidence of the City Council’s approval of such changes. Council for the City of Newark further authorizes and directs the Mayor to take any further actions, and to execute and deliver additional agreements, certificates or documents which are necessary, reasonable and/or appropriate to carry out the purposes of the First Amended JEDD Contract.

Section 3: Council for the City of Newark hereby authorizes and directs the Mayor to file with the Director of the Ohio Department of Development, in conjunction with the City of Pataskala, and the Township of Harrison, all documents required to be filed under R.C. 715.72(O), including without limitation, (i) a signed copy of the First Amendment to JEDD Contract, (ii) a description of the area to be added to the Original JEDD Area, including a map in sufficient detail to denote the specific boundaries of the area, (iii) a certified copy of this Resolution, (iv) a certification from the City of Newark that the public hearing required by R.C. 715.72(L)(2) was held, the date of the hearing, and evidence of publication of the notice of the hearing, and (v) the petition signed by the Authority as the only owner of the JEDD Addition.

Section 4: The City of Newark hereby consents, pursuant to R.C. 715.72(U), to the granting of tax exemptions in the Expanded JEDD Area, including but not limited to exemptions under R.C. 3735.67, notwithstanding anything to the contrary in the JEDD Agreement.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Newark which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 6: 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 _____, 2022.

President of Council

ATTEST: _____
Clerk of Council

Date filed with Mayor: _____

Date approved by Mayor: _____

_____, Mayor

Approved as to form: _____
Director of Law

ORDINANCE NO. 22-36

BY: _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY, GENERALLY DESCRIBED AS 26 VINE STREET, CITY OF NEWARK, LICKING COUNTY, OHIO, PARCEL TAX ID #054-192246-00.000 FROM THAT OF SINGLE-FAMILY RESIDENCE, RH-HIGH DENSITY DISTRICT TO HB – HIGH INTENSITY BUSINESS 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 HB – HIGH INTENSITY BUSINESS 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 26 Vine Street, City of Newark, Licking County, Ohio, Parcel Tax Id #054-192246-00.000. The amendment would change the zoning of the property from Single-Family Residence, RH-High Density District, to HB – High Intensity Business 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

City of Newark
Division of Engineering

MEMORANDUM

TO : Service Committee
FROM: Brian Morehead, City Engineer
DATE : 30 August 2022
RE : Committee Agenda – ODOT Legislation

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

1. **Preliminary Legislation** consenting and cooperating with the Ohio Department of Transportation (ODOT) in carrying out the following projects:
LIC-SR79-13.30 – PID 110414 project, which is the maintenance and rehabilitation of 22 bridge structures along State Route 16 and 79 within the City of Newark, to be constructed in 2023.

LIC-SR16/79 – 20.27/12.46 – PID 97858 project, which is the resurfacing of State Route 79, north of West Main Street, to State Route 16, continuing east to Dayton Road, including all associated ramps, to be constructed in 2024.
2. A Resolution to submitting application for a grant and/or loan from the OPWC - State Capital Improvements Program for construction funding in 2023-2024. This resolution needs to be passed before the **October 17, 2022 Council meeting** to meet the application deadline.

The projects planned to take advantage of this grant and/or loan is:

- a. West Church Street from North 29th Street to Green Wave Drive – Roadway and Storm Sewer Improvements, ODOT PID 104786
3. A Resolution authorizing the Director of Public Service for the City of Newark, Ohio, to advertise for bids and enter into a cooperative agreement with the developers of The Landing at Newark Station, subject to the appropriation of funds, for roadway improvements to West Main Street and South 11th Street.

This project will involve improvement to the intersection at West Main and South 11th Street, and the City's participation in the reconstruction of the west half of South 11 Street, in conjunction with the developer's work on the east half.

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

cc: David Rhodes, Service Director

City Engineer, File 201905, 202126

BY: _____

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE FOR THE CITY OF NEWARK, OHIO, TO ADVERTISE FOR BIDS AND ENTER INTO A COOPERATIVE AGREEMENT WITH THE DEVELOPERS OF THE LANDING AT NEWARK STATION APARTMENT DEVELOPMENT, SUBJECT TO THE APPROPRIATION OF FUNDS, FOR ROADWAY IMPROVEMENTS TO WEST MAIN STREET AND SOUTH 11th STREET.

WHEREAS, City is responsible for the operation and maintenance of the West Main Street and South 11th Street, and the associated rights-of-way; and,

WHEREAS, the Developers of real property located at 365 West Main St., Newark, Ohio, Parcel No. 054-217812-00.002, are planning a new apartment development named The Landing at Newark Station on this site; and,

WHEREAS, the new apartment development will require major reconstruction and improvements to the south side of West Main Street and the east half of South 11th Street adjacent to the development site; and,

WHEREAS, it is the City’s desire, in order to promote goodwill with its citizens and for the safety of the community, to coordinate efforts with the Developer to construct improvements to the west half of South 11th Street concurrently with the east half; and,

WHEREAS, The City will manage and oversee the design, bidding and construction of the roadway improvements, and the preliminary plans are ready for the competitive bidding process; and,

WHEREAS, upon acceptance of bids and appropriation of funds for this project, execution of a cooperative agreement is necessary for this project to move forward.

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

SECTION ONE: The Director of Public Service is hereby authorized and directed to advertise for bids and enter into a cooperative agreement with the Developer of The Landing at Newark Station Apartment Development for the purpose of constructing roadway improvements to West Main Street and South 11th Street.

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 _____, 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 and City Engineer

BY: _____

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT APPLICATIONS TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENTS PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvements Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and;

WHEREAS, The Ohio Public Works Commission has announced funding in Round 37 that may be offered as a grant or loan for road, bridge and other infrastructure projects, and;

WHEREAS, the City of Newark is considering to make capital improvements requests for construction projects within the City of Newark, namely:

1. West Church Street Roadway Improvements from North 29th Street to Green Wave Drive, ODOT PID 104786, LIC-CR804-00.96

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are a qualified project under OPWC program; and,

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

Section 1: The Director of Public Service of the City of Newark is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Director of Public Service of the City of Newark is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Adopted this _____ day of _____, 2022.

President of Council

Attest: _____
Clerk of Council

Date Filed with Mayor: _____

Date Approved by Mayor: _____

Mayor

Form Approved: _____
Law Director

BY: _____

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Resolution#: 22-86

County/Route/Section: LIC SR 16/79 VAR

The following is a/an 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 Ohio Department of Transportation (ODOT) has determined the need for the described project:

Bridge maintenance work on various structures on LIC SR 16/SR 79 Coordination note with PID 98279 (LIC-79-13.30). ODOT will complete maintenance and rehabilitation on 22 structures along State Routes 16 and 79 within City of Newark.

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.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as follows:

1. The LPA gives consent for the above improvement, and
2. 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.

SECTION IV – Utilities and Right-of-Way Statement

If village owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the village will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

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, _____ of the City of Newark is hereby empowered on behalf of the City of Newark to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

SECTION VII-Emergency measure

If required, Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 20____.
(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

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 _____



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)



August 31, 2022

City Engineer
City of Newark
40 West Main Street
Newark, Ohio 43055

Re: Consent Legislation for LIC SR 16/79 VAR, PID 110414

Dear City Engineer:

The Ohio Department of Transportation has determined that Consent Legislation is required for the following proposed actions:

Bridge maintenance work on various structures on LIC SR 16/SR 79 Coordination note with PID 98279 (LIC-79-13.30). ODOT will complete maintenance and rehabilitation on 22 structures along State Routes 16 and 79 within City of Newark.

Since the proposed action will be associated with the City of Newark, attached is one (1) Consent Legislation document. Please review this document, and if it meets your approval, please submit to the City of Newark for execution.

After the Consent Legislation has been executed, please return one original signed document to this office by **10/6/2022** for completion. If further information is required, please contact Joe Broschart at (740) 323-5187 or by email at Joseph.Broschart@dot.ohio.gov.

Respectfully,

A handwritten signature in blue ink that reads "Tyrell D. Thompson".

Tyrell D. Thompson, P.E.
District 5 Planning Engineer

Attachment (1)

cc: File

BY: _____

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Resolution#: 22-87

County/Route/Section: LIC SR 16/SR 79 20.26/12.46

The following is a/an 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 Ohio Department of Transportation (ODOT) has determined the need for the described project:

Resurfacing with related work. ODOT will complete resurfacing (mill and fill) along State Routes 16 and 79 in cities of Heath and Newark.

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.

SECTION II – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project as follows:

1. The LPA gives consent for the above improvement, and
2. 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.

SECTION IV – Utilities and Right-of-Way Statement

If village owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the village will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

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, _____ of the City of Newark is hereby empowered on behalf of the City of Newark to enter into agreements with the Director of Transportation which are necessary to complete the above described project.

SECTION VII-Emergency measure

If required, Resolution is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, **as an emergency measure**, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 20____.
(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

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 _____



For the State of Ohio

Attested: _____ Date _____
(Director, Ohio Department of Transportation)



OHIO DEPARTMENT OF TRANSPORTATION
Mike DeWine, Governor

Jack Marchbanks, Ph.D., Director

District 5

9600 Jacksontown Rd., Jacksontown, OH 43030

740-323-4400

transportation.ohio.gov

August 31, 2022

City Engineer
City of Newark
40 West Main Street
Newark, Ohio 43055

Re: Consent Legislation for LIC SR 16/SR 79 20.26/12.46, PID 97858

Dear City Engineer:

The Ohio Department of Transportation has determined that Consent Legislation is required for the following proposed actions:

Resurfacing with related work. ODOT will complete resurfacing (mill and fill) along State Routes 16 and 79 in cities of Heath and Newark.

Since the proposed action will be associated with the City of Newark, attached is one (1) Consent Legislation document. Please review this document, and if it meets your approval, please submit to the City of Newark for execution.

After the Consent Legislation has been executed, please return one original signed document to this office by **10/6/2022** for completion. If further information is required, please contact Joe Broschart at (740) 323-5187 or by email at Joseph.Broschart@dot.ohio.gov.

Respectfully,

A handwritten signature in blue ink that reads "Tyrell D. Thompson".

Tyrell D. Thompson, P.E.
District 5 Planning Engineer

Attachment (1)

cc: File