

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

September 19, 2023

(To be held in the Training Room on the 3rd Floor of the Municipal Building)

Urbana City Council meetings are streamed via Facebook Live. These live streams can be found by visiting the City Council of Urbana, Ohio Facebook page via clicking on the link on the City Council's website: <https://www.urbanaohio.com/city-council.html>

All comments must be made in person. Due to this, the ability to comment on City Council Facebook streams will be disabled.

- **Call to Order**
- **Roll Call**
- **Pledge of Allegiance**
- **Champaign County Chamber of Commerce and Visitor's Bureau Update**
Sara Neer and Polly Trenor
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of September 5, 2023.
- **Communications:**
 1. 2023 Career Expo Flyer (See Attached)
 2. Communication from the Ohio Division of Liquor Control dated September 1, 2023, regarding the new liquor permit application for Hermanos Escamilla II, LLC dba El Herradero Mexican Grill 1228 Scioto St. (See Attached)
 3. Cedar Bog Nature Preserve Event Invitation (See Attached)
- **Board of Control:**
 1. The Board of Control recommends Council increase purchase order number 30871 to Truitt Roofing in the amount of \$19,550.00 for additional time and materials associated with the replacement of rotten roof decking, broken drains, and tapered drain panels. The purchase order was approved by Board of Control on March 15, 2023 for the amount of \$39,950.00, and charged to the Sewer Fund. (See attached photos.) **VOTE: 3-0**

Footnote – Purchase Orders \$2,501 - \$50,000 for June, July, and August 2023 (see attached)

Citizen Comments: (In Person Only; Must Sign-in)

Ordinances and Resolutions

Old Business:

Third Reading: None

Second Reading:

Ordinance 4596-23: An Ordinance accepting the annexation of two tracts (AKA Parcels #K41-11-11-11-00-009-00 and K41-11-11-11-00-010-00) and consisting of approximately 7.622 Acres, more or less, to the City of Urbana, Ohio. (Three readings required)

New Business:

First Reading:

Ordinance 4597-23: An Ordinance authorizing the Director of Administration to enter into a pre-annexation agreement with the landowner of approximately 36.021 +/- acres of land located on Ohio State Route 29 near Dugan Road, Parcel Nos. K41-11-11-11-00-025-00 and K41-11-11-11-00-023-00, which is contiguous with the boundaries of the City. (Three readings required)

Resolution 2673-23: A resolution confirming the appointment of a new member of the Salary Commission. (One reading required)

- **Department Liaison Reports:**
 - **Miscellaneous Business:**
 1. Council
 2. Administration
 3. Council Clerk
 - **Next Meeting:** Tuesday, October 3, 2023
 - **Adjourn**
-

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, SEPTEMBER 5, 2023**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 pm.

City Staff attending: Director of Finance Chris Boettcher, Director of Administration Kerry Brugger, Mayor Bill Bean, Director of Law Mark Feinstein, City Engineer Tyler Bumbalough, Police Chief Matt Lingrell, and Community Development Manager Doug Crabill.

President Called Roll: Ms. Jumper, absent; Mr. Scott, present; Mr. Paul, absent; Ms. Truelove, present; Mr. Thackery, present; Mrs. Collier, present; and Mrs. Bean, present.

Minutes

Mr. Thackery moved to put the minutes of August 15, 2023 on the floor for discussion and possible approval. Ms. Bean seconded.

No comments/corrections from Council.

Voice vote on approval of the minutes: all ayes; nays, none.

Communications:

1. NCO 2023 Drop-Off Flyer for Household Hazardous Waste Disposal (See Attached)
2. Champaign Health District Scrap Tire Recycling Event (See Attached)

Ms. Bean moved to place the communications on the floor for discussion and possible passage. Mr. Thackery seconded.

Mr. Brugger stated that there are two more available days for the hazardous waste disposal. Those wishing to partake do need to make an appointment.

Voice vote on acceptance of communications: All ayes, nays none.

Administrative Reports – Board of Control:

1. The Board of Control recommends Council increase purchase order number 31214 to R.B. Jergens Contractors Inc. in the amount of \$208,605.28 for the re-location and deepening of the sewer main and laterals located in the 200 block of West Water Street. This expense will be charged to the Sewer Fund and is not in the 2023 budget. (see handout distributed at meeting) **VOTE: 3-0**

Mr. Scott moved to put this request on the floor for discussion and possible approval. Mr. Thackery seconded.

Mr. Bumbalough stated that as part of the South High Street project, the stormwater outlet is along West Water Street. The project brings down and ties in at Walnut Street, crossing utilities as it

goes. The stormwater takes precedence. Therefore, the City needs to relocate and deepen the sanitary sewer line.

Mr. Bumbalough stated twelve to thirteen sewer laterals are needed to adjust the grade and get underneath stormwater line. He added that this amount is estimated on the high end and the time allotment is two weeks. The City is trying to be done in a week to a week and a day, which would reduce this amount.

Mr. Thackery asked where does \$208,000 come from. Ms. Boettcher answered that it would be from sewer fund. The money is in the fund, but not necessarily budgeted for this.

Ms. Truelove asked what impact will this have. Ms. Boettcher indicated the sewer fund does have reserves that will cover this.

President Hess asked if all lines still mapped. Mr. Bumbalough stated that the City does have electronic versions, but not GIS versions. He added that this was not an issue of not being mapped, just that it was not picked up on by engineering consultant to be drawn on. The consultant had indicated that this block was not in their scope.

Voice vote on approval; all ayes, nays none.

Citizen Comments: None

ORDINANCES AND RESOLUTIONS

Third Reading: None

Second Reading: None

First Reading:

Resolution 2430-23: A Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. (One reading required)

Mr. Thackery moved to put this resolution on the floor for discussion and possible passage. Ms. Collier seconded.

Ms. Boettcher stated this is an annual housekeeping resolution from the County Auditor's Office. This resolution is the expected City's portion of the collected real estate taxes. In 2024, the City is expecting approximately \$847,500 to be distributed between the general fund and the police and fire funds.

No comments/questions from Council.

Roll call on passage: Mr. Scott, yes; Ms. Truelove, yes; Mr. Thackery, yes; Mrs. Collier, yes; and Mrs. Bean, yes.

Resolution passes 5-0.

Ordinance 4596-23: An Ordinance accepting the annexation of two tracks (AKA Parcels #K41-11-11-11-00-009-00 and K41-11-11-11-00-010-00) and consisting of approximately 7.622 Acres, more or less, to the City of Urbana, Ohio. (Three readings required)

Mr. Thackery moved to put this ordinance on the floor for discussion and possible passage. Mr. Scott seconded.

Mr. Crabill informed Council that this annexation involved the property at S & L Home Center. Council has previously approved ordinances connecting the sanitary sewer, issuing the statement of services and the land use and zoning buffers. The annexation has been approved by the County Commissioners. Now, this ordinance requires three readings, followed by a thirty-day waiting period before being recorded.

No comments/questions from Council.

President Hess declared this ordinance to have had its first reading.

Ordinance 4598-23: An Ordinance levying special assessments for the purpose of constructing or repairing sidewalks, curbs, and/or gutters along at least portions of Miami Street, Bloomfield Avenue, East Light Street, Freeman Avenue, Storms Avenue and East Broadway Street, and declaring an emergency. (One reading required)

Ms. Bean moved to put this ordinance on the floor for discussion and possible passage. Mr. Scott seconded.

Mr. Bumbalough stated the next two ordinances were similar. The first is for the piecemeal work. Mr. Bumbalough stated the City started process last year. When City replaces the items, it has to assess the work. He added that overall between two ordinances, the City is assessing a little over \$500,000. Last year, Main Street project assessed over \$300,000.

Ms. Truelove asked if Council saw these numbers prior to approving in the past. Mr. Bumbalough stated that Council saw a list of estimated assessments with the resolution of necessities. Ms. Truelove asked how long the work was expected to last. Mr. Bumbalough stated the estimated service life for concrete is 15 to 20 years. He added the City might need to mark a section or two from cracks next time it goes to pave in 10 years or so. Ms. Truelove then asked if crack appears once the work has just been completed, is it still up to owner. Mr. Bumbalough answered that the City has noticed a few cracks already. He has already contacted the contractor, who has sawed them out and put in joint filler. He added there is a one-year bond on the project.

Mr. Scott stated it was a pretty good list. He asked what percentage has already paid. Ms. Boettcher answered that approximately 10% has already been paid. She added that citizens have until Friday to pay. Monday at lunch, she intends to take the assessments to the Auditor's office.

Roll call on passage: Ms. Truelove, no; Mr. Thackery, yes; Mrs. Collier, yes; Mrs. Bean, yes; and Mr. Scott, yes.

Ordinance passes 4-1.

Ordinance 4599-23: An ordinance levying special assessments for the purpose of constructing or repairing curbs, gutters, driveway approaches and appurtenances thereto on a section of Miami Street between Edgewood Avenue and Walnut Street and on a section of Bloomfield Avenue between North Main Street and the Railroad Crossing, and declaring an emergency. (One Reading Required)

Mr. Thackery moved to put this ordinance on the floor for discussion and possible passage. Ms. Collier seconded.

Mr. Bumbalough added it was the same list, but this ordinance focuses on the wholesale assessments. He added that it was a different ordinance because it covers a different section of the Ohio Revised Code.

President Hess asked what the cost averaged per foot without approaches. Mr. Bumbalough stated that with the removal, replacing of the curb, restoration, seeding, and topsoil, the cost averaged about \$45 per foot.

Roll call on passage: Mr. Thackery, yes; Mrs. Collier, yes; Mrs. Bean, yes; Mr. Scott, yes; and Ms. Truelove, no.

Ordinance passes 4-1.

Department Liaison Reports:

Ms. Collier informed Council that the Safety Committee would be meeting Thursday, September 14th at 5:00 pm in the training room.

Miscellaneous Business:

Ms. Truelove indicated that she would be interested in a work session about a potential charter change, specifically her concern regarding how involved the Council President is and vacant seats. She also listed potential topics of city communications and land banks.

Ms. Truelove also mentioned she would like to see something like the community clean-ups in Christiansburg and Mechanicsburg. She also asked if the City has contracts on the ATM attached the finance building and the farmland at the airport. Ms. Boettcher indicated there were contracts. Ms. Truelove also inquired about the current labor contracts with the City. Ms. Boettcher indicated that the labor contracts run through 2024. Finally, Ms. Truelove had questions about capital expenses versus operating expenses, but she indicated she would do more research and potentially discuss the topic in the future.

Mr. Scott stated that while concrete may have a fifteen to twenty-year life span for curb and gutters, his was completed fifty-eight years ago and still in good condition.

Mr. Crabill stated there was a nice turnout for the Steering Committee meeting last week. There will be interviews with stakeholders in the corridor. He added he was working on the TIF for Dugan Place and also the CRA. He added that an annexation agreement for property adjacent to the City will be on the agenda for the next meeting.

Mr. Bumbalough stated the City has completed some of its paving on Storms, Bloomfield, Talbot, etc. He stated East Twain and Logan are the full depth reclamation projects that will be completed in the last two weeks of September. He also added that the Miami Street paving is scheduled to start on Monday.

Council Clerk Steffan informed Council about the 9/11 Freedom Day celebration at the 9/11 Memorial near the County building. He also added that the Attorney General has online Sunshine Law training once a month for any Council member interested.

President Hess told Council to come to the next meeting with topics for a potential October work session.

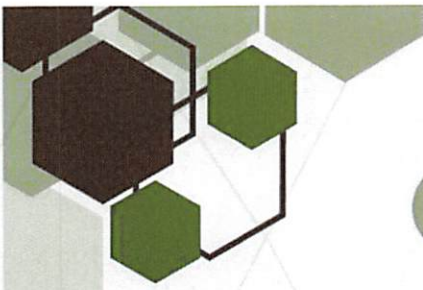
Mr. Scott moved to adjourn. Mr. Thackery seconded. Voice vote on approval: all ayes, nays none. Motion passes 5-0.

ADJOURNED AT 6:38 p.m.

NEXT SCHEDULED MEETING
September 19, 2023 at 6:00 p.m.

Council Clerk

Council President



2023 CAREER EXPO



Don't miss the opportunity to explore a new career!



SEPTEMBER 26TH



9:00 AM-4:00 PM



**CHAMPAIGN COUNTY
FAIRGROUNDS
4H BUILDING
384 PARK AVENUE
URBANA, OHIO 43078**



For all your employment and training needs.



**NOTICE TO LEGISLATIVE
AUTHORITY**

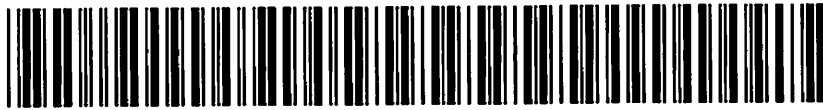
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

3791710 PERMIT NUMBER		NEW TYPE	HERMANOS ESCAMILLA II LLC DBA EL HERRADERO MEXICAN GRILL 1228 SCIOTO ST URBANA OH 43078	
ISSUE DATE				
08 10 2023				
FILING DATE				
D51 PERMIT CLASSES				
11 TAX DISTRICT	066	A	D88366 RECEIPT NO.	

FROM **09/01/2023**

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED **09/01/2023**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **10/02/2023**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 3791710**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF URBANA CITY COUNCIL
205 S MAIN ST
URBANA OHIO 43078

You're Invited!

To our 5th Annual

“FEN”tastic Event

To support Cedar Bog Nature Preserve

Saturday, November 11th 5:30 - 8:30 pm

at the Cheetah Lounge, 211 Glenn Avenue, Urbana, Ohio

Tickets \$60 per person* presale tickets only

Please RSVP by October 14th, 2023 - envelope enclosed

Your “Fen”tastic Evening will include:

Katie Dennison - Bobcats of Ohio

Food by Chef Amy Forrest

Cash donation bar

Music by Raphael Guenther

Visual highlights of the Bog through the lens of Jim Lemon,
Cheryl Erwin, and Mike Crackel

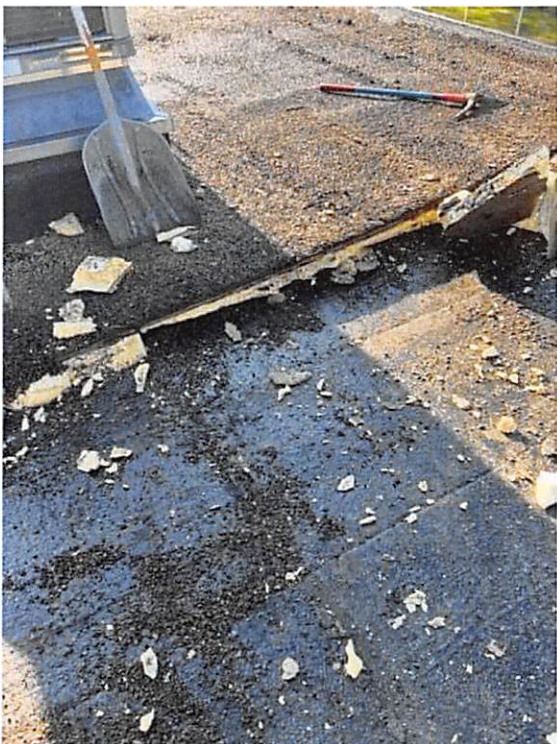
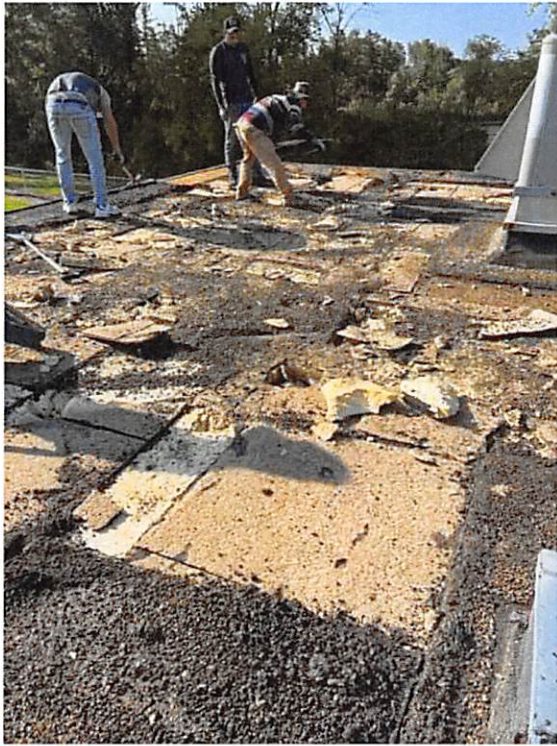
*ticket price includes dinner, dessert, and silent auction number

Dress is business casual

Photo by ODNR Division of Wildlife

BOC #1

Water Reclamation Facility – Lab Building – Additional Roof Damage



AUGUST 2023
PURCHASE ORDERS \$2,501 - \$50,000
(Approved by Board of Control)

ORDER DATE	PO NUMBER	DEPARTMENT	VENDOR	DESCRIPTION	ORIGINAL PO AMOUNT
8/23/2023	2023-31199	Pool (112)	3690 (PATTERSON POOLS)	Repair Dolphin pool cleaner	\$ 2,650.00
8/30/2023	2023-31215	Community Development (105)	7820 (DUNROBIN ASSOCIATES LLC)	Right of Way Acquisition Services-Parcel 10 -South High Street	\$ 3,185.00
8/2/2023	2023-31153	Sewer (136)	6827 (BEST EQUIPMENT COMPANY)	Main Line Camera Repair	\$ 4,462.58
8/16/2023	2023-31191	Wastewater (135)	2282 (RAWDON MYERS, INC.)	Sludge Holding Tank Stem Rods	\$ 5,184.00
8/23/2023	2023-31200	Water (130)	5563 (EJ PRESCOTT INC)	Leak detection equipment (EPA grant for \$9400.00)	\$ 10,690.00
8/16/2023	2023-31192	Finance	3112 (SOFTWARE SOLUTIONS INC)	Annual Software Support	\$ 27,188.47

Chris Boettcher, Director of Finance
Board of Control Secretary

ORDINANCE NO. 4596-23

AN ORDINANCE ACCEPTING THE ANNEXATION OF TWO TRACTS (AKA PARCELS #K41-11-11-11-00-009-00 AND K41-11-11-11-00-010-00) AND CONSISTING OF APPROXIMATELY 7.622 ACRES, MORE OR LESS, TO THE CITY OF URBANA, OHIO. (Three (3) readings required, no public hearing required)

Department Requesting: Community Development Sponsor: Councilman Pat Thackery

WHEREAS, on September 20, 2022, the Urbana City Council passed Resolution No. 2639-22 to approve sanitary sewer service to the property at 1711 East US Highway 36 to serve S&L Home Center, Inc. (Parcel# K41-11-11-11-00-009-00 and Parcel # K41-11-11-11-00-010-00) as an extraterritorial customer under the condition that an annexation petition be filed within 60 days of approval as the property is located adjacent to the current municipal corporation limit; and

WHEREAS, a petition having been filed with the Champaign County Commissioners on May 16, 2023 by the petitioner, S & L Home Center, Inc. AKA S and L Home Centers, Inc. AKA S & L Home Centers, Inc. by its agent, Matthew T. Watson, Attorney at Law, for annexation to the City of Urbana, certain real estate in Urbana Township, as required by Section 709.02(C)(3) of the Ohio Revised Code; and

WHEREAS, on June 6, 2023, the Urbana City Council passed Ordinance No. 4593-23 to provide a statement of services in the territory to be annexed; and

WHEREAS, on June 6, 2023, the Urbana City Council passed Ordinance No. 4594-23 relating to land use and zoning buffers for the territory to be annexed; and

WHEREAS, proceedings having been held before the Board of Commissioners of Champaign County on June 16, 2023, wherein said Commissioners approved the annexation, including the annexation plat and legal description; and

WHEREAS, more than sixty days having elapsed from the date of filing of the transcript of such approval by the Board of Champaign County Commissioners with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE:

That the proposed annexation, as applied for in the petition with Board of County Commissioners of Champaign County, Ohio on May 16, 2023 by Attorney Matthew T. Watson, acting as agent for the petitioner, S & L Home Center, Inc. AKA S and L Home Centers, Inc. AKA S & L Home Centers, Inc., and as required by Section 709.02(C)(3) of the Ohio Revised Code; and which petition prayed for the annexation to the City of Urbana of certain territory adjacent thereto and hereinafter described, which petition was approved for annexation to the City of Urbana by the Board of County Commissioners on June 16, 2023, be, and hereby is, accepted.

SECTION TWO:

The territory annexed hereby is described in the legal description attached hereto as Exhibit "A" and is made a part hereof as though fully rewritten herein and the annexation plat hereto attached as "Exhibit C" is also made a part hereof. The certified transcript of the proceedings for annexation with an accurate map of the territory attached hereto as "Exhibit B", together with the petition for annexation and other papers relating to the proceedings thereto of the County Commissioners are all on file with the Clerk of the City of Urbana and have been for more than 60 days.

SECTION THREE:

That the Clerk be, and hereby is, authorized and directed to make three copies of this Ordinance, to each of which shall be attached a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State, and shall file notice of this annexation with the Board of Elections within 30 days after it becomes effective.

SECTION FOUR:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision-making bodies of the City of Urbana which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Urbana.

SECTION FIVE:

That this Ordinance shall take effect at the earliest time provided by law.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2023.

Mayor, City of Urbana

REVIEWED: *[Signature]* 8/30/23
Director of Law Date



Jumper: ___ Yay ___ Nay ___ N/A

Scott: ___ Yay ___ Nay ___ N/A

Paul: ___ Yay ___ Nay ___ N/A

Truelove ___ Yay ___ Nay ___ N/A

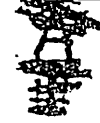
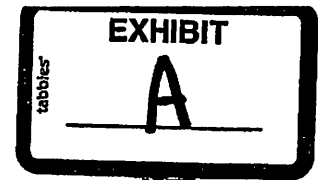
Thackery: ___ Yay ___ Nay ___ N/A

Collier: ___ Yay ___ Nay ___ N/A

Bean: ___ Yay ___ Nay ___ N/A



EDWARDS SURVEYING
110 South Main Street
Urbana, Ohio 43078
(937) 653-6508



LEGAL DESCRIPTION – S & L HOME CENTER - ANNEXATION – 7.622 ACRES

Being situate in the State of Ohio, County of Champaign, Township of Urbana, and being a part of the Northwest Quarter of Section 11, Town 5, Range 11, B.T.M.R.S., and being a tract to be annexed into the City of Urbana and being more particularly described as follows:

Beginning for reference at a Mag Nail found on the centerline of U.S. Route 36 (variable width right-of-way) at the Southwest corner of Urbana Commons as recorded in Plat Slide 449, Cabinet 2, of the Champaign County Plat Records, also being on a Corporation line of the City of Urbana;

thence with the centerline of U.S. Route 36, S-84°52'45"-E, 11.73'(feet) to a Mag Nail set at the Northwest corner of a 0.75 acre tract conveyed to Aaron Michael Portis by deed recorded in Official Record 582, Page 3604, also being at the Northeast corner of a 7.940 acre tract conveyed to Spartan Brothers Capital, LLC, by deed recorded in Official Record 513, Page 493;

thence with the East line of the 7.940 acre tract, S-5°58'15"-W, 30.00'(feet) to a point on the right-of-way line of U.S. Route 36, also being on a Corporation line of the City of Urbana, passing for reference an iron bar found at 28.50'(feet);

thence with the right-of-way line of U.S. Route 36 and a Corporation line of the City of Urbana, S-84°52'45"-E, 165.00'(feet) to an iron bar found at the **PRINCIPLE PLACE OF BEGINNING** for the tract hereinafter described, also being on the East line of a 0.75 acre tract conveyed to S & L Home Center, Inc, by deed recorded in Official Record 588, Page 4490;

thence continuing with the right-of-way line and the corporation line following two (2) courses:

1. S-84°52'45"-E, 152.78'(feet) to an iron bar set;
2. N-86°12'15"-E, 97.15'(feet) to an iron bar found on the West line of an 8.101 acre tract conveyed to Farmers Equipment, Inc, by deed recorded in Official Record 477, Page 976;

thence with the West line of the 8.101 acre tract, S-5°59'00"-W, 960.86'(feet) to an iron bar found on a North line of a 36.021 acre tract conveyed to Cindy S. Johnson by deed recorded in Official Record 586, Page 5660;

thence with a North line of the 36.021 acre tract and with a North line of a 0.918 acre tract conveyed to the City of Urbana by deed recorded in Deed Volume 233, Page 429, N-85°07'41"-W, 98.16'(feet) to an iron bar set;

thence continuing with a North line of the 0.918 acre tract and a North line of Johnson's 36.021 acre tract, N-85°04'08"-W, 315.19'(feet) to an iron pipe found on the East line of a 6.186 acre tract conveyed to Von Commercial Investments, LLC, by deed recorded in Official Record 587, Page 2350, also being on an East corporation line of the City of Urbana;

thence with the East line of the 6.186 acre tract and the corporation line, N-5°58'15"-E, 583.52'(feet) to an iron bar found at the Southwest corner of aforementioned Portis' 0.75 acre tract;

thence with the South line of Portis' tract and with the South line of aforementioned S & L Home Center's 0.75 acre tract, S-84°52'45"-E, 165.00'(feet) to an iron bar found;

thence with the East line of S & L Home Center's 0.75 acre tract, N-5°58'15"-E, 363.75'(feet) to the place of beginning.

Containing 7.622 acres to be annexed into the City of Urbana, Champaign County Ohio.

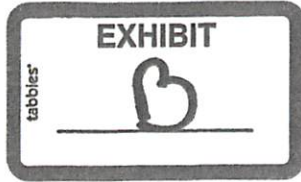
Being all of the area outside of the Road right-of-way of a 5.0470 acre tract conveyed to S & L Home Center, Inc., by deed recorded in Official Record 96, Page 635 and all of the area of a 2.162 acre tract outside of the Road right-of-way conveyed to S & L Home Center, Inc., by deed recorded in Official Record 246, Page 640, of the Champaign County Records.

The foregoing description prepared by and in accordance with a survey by William D. Edwards, Professional surveyor No. 7574, April 19, 2023. All iron bars set are 5/8"x30" iron re-bar with a yellow plastic cap stamped "EDWARDS PS 7574". Bearings are based on the centerline of U.S. Route 36 per an assumed bearing of S-84°52'45"-E.

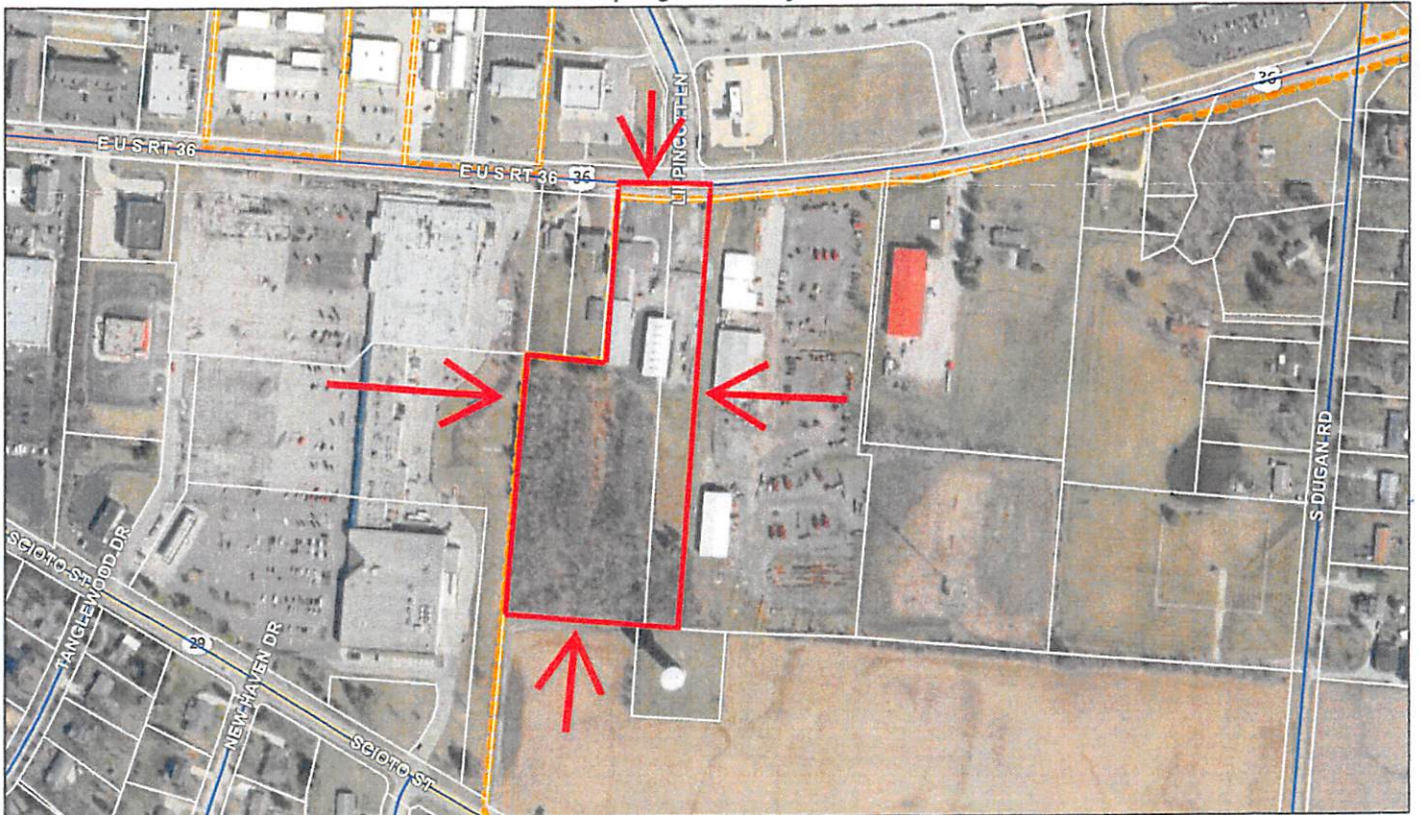


William D. Edwards

William D. Edwards, P.S. 7574

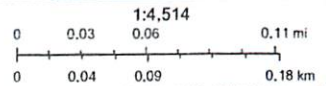


Champaign County Ohio



5/8/2023, 11:50:40 AM

- Parcels
- Road Names



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

ORDINANCE NO. 4597-23

AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE LANDOWNER OF APPROXIMATELY 36.021 +/- ACRES OF LAND LOCATED ON OHIO STATE ROUTE 29 NEAR DUGAN ROAD, PARCEL NOS. K41-11-11-11-00-025-00 and K41-11-11-11-00-023-00, WHICH IS CONTIGUOUS WITH THE BOUNDARIES OF THE CITY. (Three (3) readings required, no public hearing required)

Department Requesting: Community Development Sponsor: Councilman Pat Thackery

WHEREAS, Cindy S. Johnston & Scott A. Johnston Co-Trustees of the Cindy S. Johnston Revocable Living Trust dated August 8, 2022 (hereinafter collectively the "**Landowner**") owns or controls approximately 36.021 +/- acres of land located on Ohio State Route 29 near Dugan Road, parcel nos. K41-11-11-11-00-025-00 and K41-11-11-11-00-023-00 (herein referred to as the "**Property**") which is contiguous with the boundaries of the City; and

WHEREAS, the Landowner plans to annex the Property into the City of Urbana and engage the services of a real estate developer to develop the Property; and

WHEREAS, the Property would benefit from certain City services, including in particular water, sewer, police protection, fire and EMS and other services; and

WHEREAS, the City is capable of providing and hereby agrees to offer its municipal services to the Property if the Property is annexed to the City; and

WHEREAS, the Parties agree that it is in their mutual interest prior to the annexation process to enter into this Agreement for the development of the Property for the mutual benefit of Landowner and the City; and

WHEREAS, the Landowner desires to enter into a Pre-Annexation Agreement with the City of Urbana in preparation for a developer eventually coming forward and entering into a contract to purchase and develop the Property as the Property is currently listed for sale as development land; and

WHEREAS, a Pre-Annexation Agreement for the Property has been prepared by Attorney Matthew T. Watson on behalf of the Landowner and this Pre-Annexation Agreement states that the Landowner shall be required to file the petition for annexation as an "Expedited Type II" annexation as provided in ORC Section 709.023 only upon entering into a contract with a developer; and

WHEREAS, pursuant to the terms of this Pre-Annexation Agreement and in accordance with Urbana City Council Resolution No. 2536-18, parcel no. K41-11-11-11-00-024-00 which is owned by the City of Urbana and is the location of the East Water Tower at 1350 Scioto Street, will be included with the annexation petition when filed; and

WHEREAS, once under contract with a developer, the City of Urbana desires for this Property to be annexed and developed within the boundaries of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio:

SECTION ONE:

That the Director of Administration shall be authorized to enter into this Pre-Annexation Agreement, including any Final Exhibits to be added prior to execution of this agreement, as attached to this Ordinance for reference, on behalf of the City of Urbana with Cindy S. Johnston & Scott A. Johnston Co-Trustees of the Cindy S. Johnston Revocable Living Trust dated August 8, 2022 (the "**Landowner**") who owns or controls approximately 36.021 +/- acres of land located on Ohio State Route 29 near Dugan Road, parcel nos. K41-11-11-11-00-025-00 and K41-11-11-11-00-023-00 (the "**Property**") which is contiguous with the boundaries of the City.

SECTION TWO:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision-making bodies of the City of Urbana which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Urbana.

SECTION THREE:

That this Ordinance shall take effect at the earliest time provided by law.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this _____ day of _____, 2023.

Mayor, City of Urbana

REVIEWED: Mark M. Petraitis 9/14/23
Director of Law Date

Jumper: ___ Yay ___ Nay ___ N/A

Scott: ___ Yay ___ Nay ___ N/A

Paul: ___ Yay ___ Nay ___ N/A

Truelove ___ Yay ___ Nay ___ N/A

Thackery: ___ Yay ___ Nay ___ N/A

Collier: ___ Yay ___ Nay ___ N/A

Bean: ___ Yay ___ Nay ___ N/A

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (the “Agreement”) is made and entered into this _____ day of August 2023, by and between Cindy S. Johnston & Scott A. Johnston Co-Trustees of the Cindy S. Johnston Revocable Living Trust dated August 8, 2022 (hereinafter collectively the “*Landowner*”) and the City of Urbana, Ohio, an Ohio municipal corporation organized and existing under the Constitution and laws of the State of Ohio and its municipal charter (hereinafter the “*City*”), under the circumstances summarized in the following recitals.

RECITALS:

WHEREAS, Landowner owns or controls approximately 36.021 +/- acres of land located on Ohio State Route 29 near Dugan Road, parcel nos. K41-11-11-11-00-025-00 and K41-11-11-11-00-023-00 (which real property is depicted on **Exhibit A** and referred to herein as the “*Property*”) which is contiguous with the boundaries of the City; and

WHEREAS, Landowner plans to annex the Property into the City of Urbana and engage the services of a real estate developer to develop the Property; and

WHEREAS, the Property would benefit from certain City services, including in particular water, sewer, police protection, fire and EMS and other services; and

WHEREAS, the City is capable of providing and hereby agrees to offer its municipal services to the Property if the Property is annexed to the City; and

WHEREAS, the Parties agree that it is in their mutual interest prior to the annexation process to enter into this Agreement for the development of the Property for the mutual benefit of Landowner and the City; and

NOW THEREFORE, in consideration of the covenants and agreements contained herein, Landowner and the City covenant and agree as follows:

Section 1. Annexation Petitions and Related Approvals.

A. **Petition(s) for Annexation; Annexation.** The Landowner shall prepare or has already prepared, an annexation petition, map, legal description and other related information, as may be required by the Ohio Revised Code (“ORC”), to annex the Property to the City. The annexation process shall be an “Expedited Type II” annexation as provided in ORC Section 709.023. Landowner agrees that it will execute any necessary annexation petition, as appropriate, and will execute any other documents reasonably necessary to effectuate the annexation as may be required by law at its cost or expense. The annexation petition shall appoint Matthew T. Watson (and other attorneys with the law firm of Thompson, Dunlap & Heydinger, Ltd.) as the petitioner’s agent and will be filed for the Property and a certain parcel owned by the City known by its permanent parcel number K41-11-11-11-00-024-00. The petition will be filed with the Champaign County Commissioners. The Landowner and City agree that all costs and expenses in petitioning for the annexation will be borne by Landowner. Should the City desire its own attorney to represent its interests with regard to the annexation petition, those costs will be borne by the City. Landowner further agrees that they will continue to support the annexation to the City throughout the process, including any appeal or court action at no further expense to City, unless the City desires to retain its own attorneys; provided, however, Landowner’s continued cooperation in the annexation of the Property shall be subject to and conditioned upon the City’s performance of its duties and obligations as memorialized in this Agreement. Landowner shall only be required to file the petition for annexation upon entering into a contract with a developer.

B. **City Service Resolution.** Pursuant to and in accordance with the ORC, the City agrees to enact, prior to twenty (20) days after the date of filing the annexation petition(s) with the

Board of County Commissioners of Champaign County, Ohio (the “*Commissioners*”), the appropriate Service Resolution stating the services that will be provided to the Property upon annexation. The Service Resolution, once adopted, shall be immediately certified and filed with the Clerk of the Commissioners.

C. Approval and Permit Regulation.

(i) Compliance Statement. Nothing in this Agreement shall exempt the parties hereto from the zoning, development plan and subdivision platting processes of City. The execution and delivery of this Agreement shall not serve as a variance of the zoning, development plan and platting process mandated by the Codified Ordinances and the Subdivision Regulations of the City, but will serve as a preliminary understanding and guide for the proposed development of the Property.

(ii) Council Action. The obligations of and agreements by the City contained herein shall be effective and enforceable upon, and subject to, the approval of all necessary legislation and/or motions by Council. It is acknowledged that the initial legislation approving this Agreement is merely the first in a series of legislative acts implementing this Agreement. All subsequent Council actions implementing this Agreement shall be considered to be in furtherance of this Council Action.

Section 2. Miscellaneous

A. Intent of Parties. This Agreement shall be binding upon the Parties hereto and their respective successors and/or assigns, and by execution hereof, all Parties represent that they are duly authorized to sign it. By passage of Ordinance No. _____ on _____, the City authorized the execution of this Agreement.

B. Cancellation or Termination. This Agreement may be cancelled or otherwise terminated by mutual written agreement of the Parties hereto or pursuant to the terms of this Agreement as to conflict in law, impracticality and/or acts of God.

C. Remedies. Except as otherwise limited by Chapter 2744 of the Ohio Revised Code as to action for or against the City, the Parties hereto shall be afforded and do possess the right to seek every remedy available at law or in equity provided for under the laws of the State of Ohio as pertains to the terms and conditions, duties, obligations, privileges and rights of this Agreement and the enforcement thereof.

D. Enforcement. Unless this Agreement is cancelled or otherwise terminated, this Agreement will be enforceable against any Party hereto per the laws, ordinances, resolutions, regulations or policies in effect at the time of the execution of this Agreement.

E. Assignment of Agreement. Landowner may assign this Agreement, or any part thereof or any duty, obligation, privilege or right granted under this Agreement.

F. Relative Rights. The rights and obligations of the parties hereunder shall be subject to the terms and conditions hereof, and will inure to the benefit of, and be binding on, the respective successors and assigns.

G. Entire Agreement Merger Clause; Statement of Incorporation. It is agreed that this Agreement merges all of the oral negotiations, representations, discussions and understandings between the Parties, their legal counsel, agents or representatives. This Agreement contains the entire Agreement of the Parties with respect to its subject matter. All documents related to this Agreement and/or attached hereto as exhibits or addendums shall be incorporated into this Agreement by reference as if fully set out at length herein.

H. Severability. If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement and the remainder of said Agreement shall continue in full force or effect.

I. Cooperation. The City will cooperate with Landowner to obtain any required and/or necessary permit from any government or governmental agency not a party to this Agreement.

J. Modifications or Amendment of Agreement. No modifications, amendments, alterations or additions shall be made to this Agreement except in a writing signed by all Parties hereto.

K. Recitals. The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.

L. Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

M. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

N. Survival of Representations and Warranties. All representations and warranties of Landowner and the City in this Agreement shall survive the execution and delivery of this Agreement.

O. **Effective Date.** This Agreement shall be effective when signed by all the Parties hereto.

P. **Time.** Time shall be of the essence in doing and performing all things to be done under the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives this _____ day of August, 2023.

CITY OF URBANA, OHIO

By: _____

Printed: _____

Title: _____

LANDOWNER

By: _____

Printed: _____

Title: _____

RESOLUTION NO. 2673-23

A RESOLUTION CONFIRMING THE APPOINTMENT OF A NEW MEMBER OF THE SALARY COMMISSION (One (1) reading, no public hearing required)

Department Requesting: Mayor

Sponsor: Dwight Paul

WHEREAS, Section 4.06(k) of the Charter of the City of Urbana, Ohio creates a Salary Commission, which shall consist of five members who are registered electors of the City appointed by the Mayor subject to the confirmation by Council by resolution; and

WHEREAS, Mayor Bill Bean has declared the appointment of the following person, who is a registered elector of the City of Urbana, Ohio, to serve as a member of the Salary Commission:

Ward 4: Zac Fiely, to complete the term of Stephanie Truelove.

NOW, THEREFORE, the COUNCIL OF THE CITY OF URBANA, OHIO does hereby CONFIRM this appointment.

SECTION ONE:

It is found and determined that all formal actions of this City Council concerning and relating to the passage of this resolution were adopted in an open meeting of this City Council in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION TWO:

All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION THREE:

This ordinance shall become effective on (anticipated effective date).

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

This Ordinance approved by me this ____ day of _____, 2023.

Mayor, City of Urbana



REVIEWED: *William M. Bennett* 9/1/23
Director of Law Date

Jumper: Yay Nay N/A

Scott: Yay Nay N/A

Paul: Yay Nay N/A

Truelove: Yay Nay N/A

Thackery: Yay Nay N/A

Collier: Yay Nay N/A

Bean: Yay Nay N/A