

**URBANA CITY COUNCIL
REGULAR SESSION MEETING**

October 3, 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**
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of September 19, 2023.
- **Communications:**
 1. Oak Dale Cemetery Board Meeting Minutes from July 21, 2023 (See Attached)
 2. ORBIS Urbana Plant Expansion Grand Opening Invitation (E-mailed September 20, 2023)
 3. North Main Street Corridor Plan – Survey Mailer (See Attached)
 4. Safety Meeting Minutes from September 14, 2023 (See Attached)
 5. Final 2022 City of Urbana audit reports (E-mailed September 28, 2023)
- **Board of Control:** None

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

Ordinances and Resolutions

Old Business:

Third 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)

Second 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)

New Business:

First Reading:

Resolution 2674-23: A resolution to authorize preliminary approval between the City of Urbana, Champaign County, Ohio and Ohio Department of Transportation for pavement planing and resurfacing of United States Route 68 from Gwynne Street/Washington Avenue (SLM 6.93) to the northern corporation limit (SLM 8.64), reference PID No.: 111951, County/Route/Section: CHP-68-6.93, and declaring an emergency. (One reading required)

- **Department Liaison Reports:**
 - **Miscellaneous Business:**
 1. Council
 2. Administration
 3. Council Clerk
 - **Next Meeting:** Tuesday, October 17, 2023
 - **Adjourn**
-

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
TUESDAY, SEPTEMBER 19, 2023**

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

City Staff attending: Director of Administration Kerry Brugger, Mayor Bill Bean, Director of Law Mark Feinstein, Superintendent of Public Works Chad Hall, Police Chief Matt Lingrell, Fire Chief Dean Ortlieb, and Community Development Manager Doug Crabill.

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

Champaign County Chamber of Commerce and Visitor’s Bureau Update – Sara Neer

Ms. Neer gave an update on events and activities associated with the Chamber of Commerce. Ms. Neer also gave a description of some of the subcommittees, including:

ILead

This includes the Champaign County Young Professionals. Once a month, they plan quarterly networking events. They also plan the newly started cash mobs.

Leadership Champaign County

They feature different industries and how show how the County works

They also plan ribbon cuttings for new businesses, including the Brewery which had 13,000 views on Facebook.

Champaign County Safety Council

This group meets monthly and has about thirty members.

Local Ag Council

This group recently made the film “Diversity in Champaign County Agriculture”, which is also available on their Youtube Channel.

Some events coming up soon include their golf outing, which occurs every spring and is their major fundraiser, and their annual dinner, which this year will be at Woodruff Farm on October 26th with a casino night theme.

Ms. Neer also gave an update about the Visitors Bureau, which is funded through lodging taxes. The Bureau recently published videos with the assistance of Ohio, Find it Here.

The Bureau assists with Shop Downtown Urbana by facilitating monthly meetings and helping financial statements. Also featured are the Second Saturdays with merchants reporting record sales on those days. Finally, the Bureau has a Feature Friday, featuring different Champaign County attractions with behind the scenes.

Mr. Paul asked about stats regarding the locality of internet site visits. Ms. Neer stated the Chamber hits are mostly local and the Visitor’s Bureau has a lot of traffic from Dayton and Columbus.

Minutes

Mr. Scott moved to put the minutes of September 5, 2023 on the floor for discussion and possible approval. Mrs. Bean seconded.

No comments/corrections from Council.

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

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)

Mrs. Bean moved to place the communications on the floor for discussion and possible passage. Mrs. Collier 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.

Mrs. Bean stated regarding Expo flyer that all junior high and high school students in Champaign County will be attending.

Mr. Crabill stated that the Liquor permit is for the old Frisch's. He added that the owner currently has a restaurant in Piqua.

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 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**

Ms. Truelove moved to put this request on the floor for discussion and possible approval. Ms. Jumper seconded.

Mr. Hall stated this is for the old administration lab building at wastewater plant. He stated the roof had been redocked with wood. The original roof deck had drains that needed to be extended. He added that in the demo, the City noticed several drains had been separated. They became easily noticeable and explained why they were having leaks. The City is trying to move as quickly as possible as the roof deck itself was not sealed.

Mr. Scott asked if Council does not approve this item, where would the financing come from. Mr. Hall stated there were budget line items that the amount could be pulled from to still be in budget.

Mr. Paul asked if the roof was back to original layer. Mr. Hall confirmed it was, stating it was back to concrete with a small membrane.

Voice vote on approval; all ayes, nays none.

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

Mr. Paul asked, referring to the June footnote, about First star safety and the street pavement markings. Mr. Crabill stated it was to touch up existing striping.

Citizen Comments:

Rick Cordle (1001 S. Main St.) – Mr. Cordle stated the S. Main St. and Broadway traffic is a mess. He would like to see Broadway become a one-way street with the exit out the back side. He added winter will be a nightmare with plowing. Mr. Cordle also stated that side-by-side is driving goes into his yard. Due to traffic, vehicles are not able to get out between 2:30 and 4:30. He stated he has talked to the Engineer and feels he keeps getting the run-around. He is afraid of kids getting hit and also is concerned with water drainage.

ORDINANCES AND RESOLUTIONS

Third Reading: None

Second Reading:

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)

Mrs. Bean moved to put this ordinance on the floor for discussion. 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 second reading.

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)

Mr. Paul moved to put this ordinance on the floor for discussion. Mrs. Bean seconded.

Mr. Crabill these are the two parcels behind Kroger. They have been listed for sale for a few years. He added the owners would like to sell and develop the properties in some way. If someone comes

along and wants to develop the land, this ordinance allows the procedure to already be in place. He added Council passed a resolution in 2018 that includes the East water tower in an annexation.

Mr. Paul asked if someone decided to buy the property, do they have to annex. Mr. Crabill stated the marketing has been more for larger development. He added to utilize in a substantial way, it would need to utilize City utilities. Mr. Paul stated he understood, but wanted to know if this ordinance forces a buyer to have to annex. Mr. Crabill stated the properties are geared for development

Clete – this makes more palatable for developer if legwork already done. Doug – idea is that this step is already taken.

Marty – why not just annexed in. Doug – City not interested unless developed due to increase costs

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

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

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

Mr. Feinstein the Salary Commission was created by charter. He added that the Mayor selects an individual, who is confirmed by Council

Mrs. Bean stated that Zac is a pretty stand-up guy

Mr. Paul added that he knows Zac and agrees. He asked considering his vocation, he was wondering if there was any possibility of conflict. Mayor Bean answered that he asked Mr. Fiely that, and he said no.

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

Resolution passes 6-0.

Department Liaison Reports:

Ms. Collier informed Council that the Safety Committee met on Thursday, September 14th at 5:00 pm in the training room. She described the meeting as interesting.

Miscellaneous Business:

Ms. Jumper stated she wished to piggy back on the South Main Street topic. She stated that traffic is still going down South High even though it is closed. She also noticed it appeared to be a Jack Hanna wildlife preserve at UU. She would like to know what is happening there.

Mr. Scott commented that it looks like a busy weekend in Urbana with the chili cookoff, hoopla parade and one more weekend of the fish and shrimp festival.

Mr. Paul stated he received an email from a resident about the deer issue. He noted that there has been feeding deer out of cars and on the bike trail. He stated maybe ODNR has ideas.

He also asked about the Vietnam traveling wall. Mr. Cultice stated it arrives Thursday with an escort to the old armory. There will be a public ceremony Saturday morning at 10:00 am. The City has invited nine different Vietnam groups. The wall leaves Monday morning at 9:00 am. It will be manned 24 hours a day during this time.

Mr. Paul also stated the parade is Saturday at noon. There will be between 40 and 45 groups. He also added that Balloon Fest was a great time and congratulated Mrs. Collier.

Ms. Truelove formally request work session and asked to speak about communicating with citizens. She also added that it feels like an obstacle course trying to travel South High Street on a daily basis.

Mrs. Collier stated that Miami Street looks great.

Mrs. Bean asked Mrs. Collier how many people were signed up for Saturday. Mrs. Collier stated there were 23 cooks and about 32 vendors.

Mr. Brugger stated the City hopes to tighten up the construction zone soon. He added that most of the paving is done and the roof on 100 N. Main St. is pretty well done. He also stated that soon we'll see construction work start on the Willman project.

Mayor Bean reiterated the Chili Cookoff and Hoopla Parade. He added that the festivities will include a children's area, dj and music, games and contests, and a dunk tank.

Council Clerk Steffan asked President Hess to finalize the work session for Tuesday, October 24th. Mr. Paul moved to hold the work session on October 24th. Ms. Truelove seconded. Voice vote: all ayes, nays none. Work session approved.

The first topic for the work session will be regarding communication to citizens. President Hess stated the remaining topics will be due on October 3rd.

Ms. Jumper moved to adjourn. Mr. Paul seconded. Voice vote on approval: all ayes, nays none. Motion passes 6-0.

ADJOURNED AT 7:04 p.m.

NEXT SCHEDULED MEETING

October 3, 2023 at 6:00 p.m.

Council Clerk

Council President

Oak Dale Cemetery Board
Meeting Minutes Friday, July 21, 2023

COPY

Board Members Present: Wayne Smith, Patsy Thackery, Stephanie Truelove, Kevin Easton and Tonya Barrett.

Others Present: Bob Jumper

Wayne Smith called the meeting to order at 2:30 PM.

Minutes were reviewed from the May 19, 2023 meeting. Patsy Thackery made a motion to approve the minutes, seconded by Kevin Easton. Motion unanimously approved.

Old Business:

- Wayne Smith shared an email update from John Bry regarding his application status for the National Registry-he is working through the process. John has invested a lot of time and research into the application. The Board noted appreciated for the time and hard work John had dedicated to this project.
- Hexagonal Building: Still in preliminary phases/reviewing possible plans for niche proposal. No pricing at this time.
- Arboretum: No updates.
- Tree Committee: Looking to replace trees close to the road-nothing definite at this time.
- Master Gardeners and other Volunteers: Discussed possibility of Master Gardeners volunteering to plant and maintain areas at the cemetery. The Board thought it would be best to invite Master Gardeners to a meeting to offer gardening suggestions.

New Business:

- Landscaping: Discussed affordable easy to maintain landscaping ideas. Conversation took Board back to Master Gardeners. The Board thought Master Gardeners might have suggestions and could offer landscaping insight. Wayne will reach out to invite them to a meeting.
- Ohio Cemetery Grant: Will miss 2023 Deadline-something to keep in mind for 2024.

Updates from Bob Jumper:

- Memorial Day Ceremony went well, 62 burials YTD, 24 foundations poured



Share Your Vision Today!

North Main Street Corridor Plan

Links



[https://www.urbanaohio.com/
north-main-street-corridor-plan.html](https://www.urbanaohio.com/north-main-street-corridor-plan.html)

Respond on or before October 15.

Minutes

Safety Meeting

September 14, 2023

Present: Audra Bean, Pat Thackery, Mary Collier, Fire Chief, Police Chief, Myron Feather

The group discussed question to ask Fire Division.

Consistency

- Do you have minimum station staffing?
- Do you have minimum vehicle staffing?
- What are your hours of operations?
- What are your response times (out the door and on scene)?
- How do you make assure that your rules are followed?

Competency

- What are your EMS certification levels of your personnel?
- What are your rescue certification levels of your personnel?
- What are your fire certification levels of your personnel?
- Are all of your firefighters' interior firefighters?

Capacity

- What does your management framework look like (administrative and operations)?
- How many active staff members do you have?
- Do you have standard operation procedures and guidelines?
- What type of vehicles do you have?
- What are the age, mileage, and hours on each of your vehicle?

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

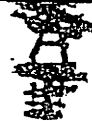
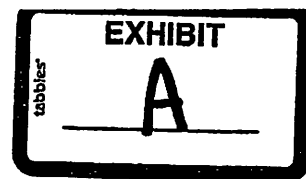
Thackery: ___ Yay ___ Nay ___ N/A

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.

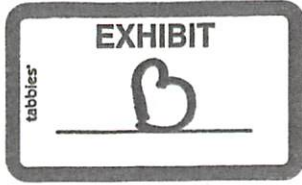
Being all of the area outside of the Road right-of-way of a 5.0470 acre tract conveyed to S & L Home Center, Inc., by deed recorded in Official Record 96, Page 635 and all of the area of a 2.162 acre tract outside of the Road right-of-way conveyed to S & L Home Center, Inc., by deed recorded in Official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

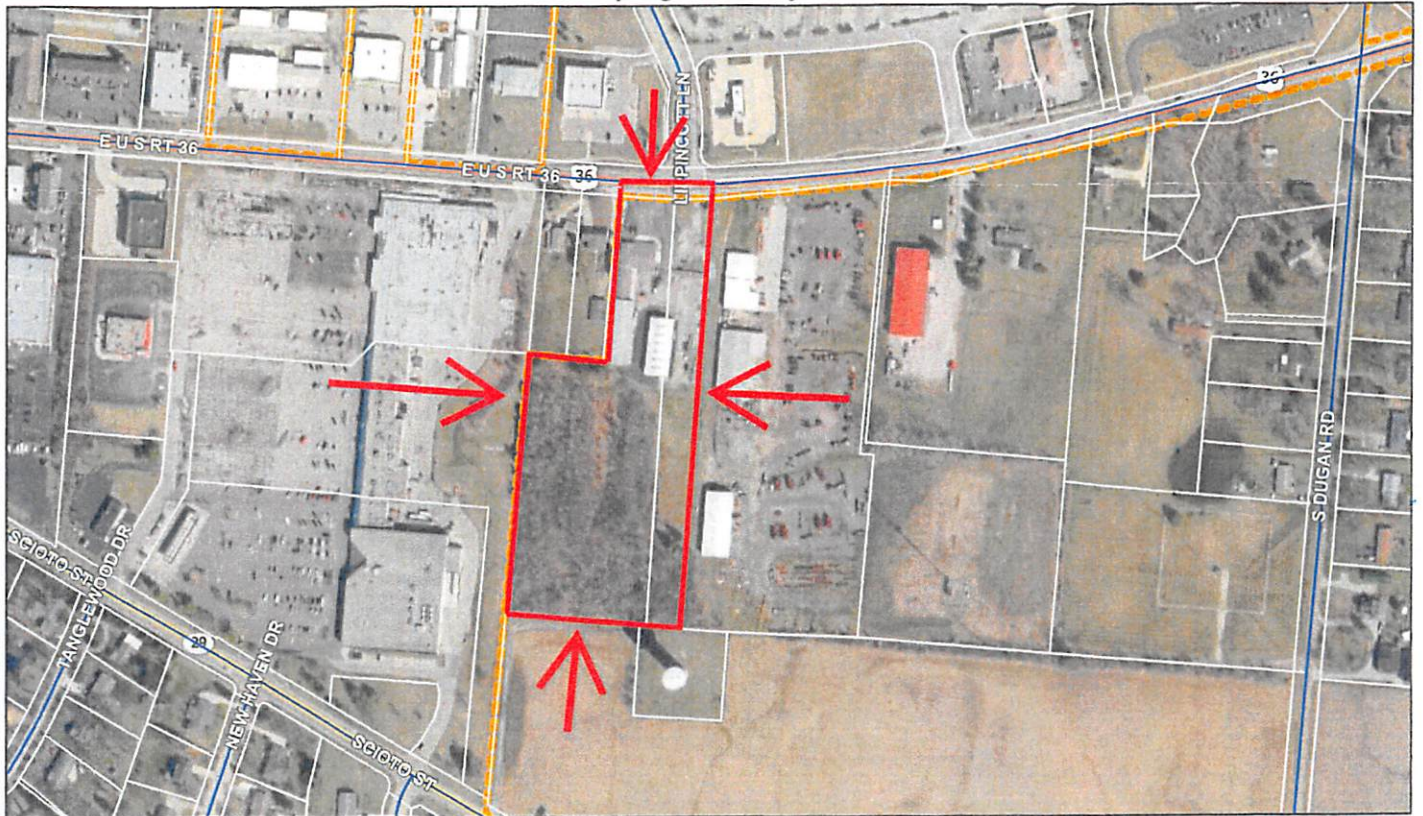


A handwritten signature in blue ink that reads "William D. Edwards". The signature is written in a cursive style and is positioned above a horizontal line.

William D. Edwards, P.S. 7574

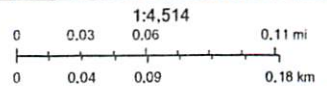


Champaign County Ohio



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

- Parcels
- Road Names



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, H. 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. 2674-23

A RESOLUTION TO AUTHORIZE PRELIMINARY APPROVAL BETWEEN THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO AND OHIO DEPARTMENT OF TRANSPORTATION FOR PAVEMENT PLANING AND RESURFACING OF UNITED STATES ROUTE 68 FROM GWYNNE STREET/WASHINGTON AVENUE (SLM 6.93) TO THE NORTHERN CORPORATION LIMIT (SLM 8.64), Reference PID No.: 111951, County/Route/Section: CHP-68-6.93, AND DECLARING AN EMERGENCY (one reading required).

Department Requesting: Engineering

Sponsor: Councilman Cledis Scott

WHEREAS, the City of Urbana, hereinafter referred to as the LPA, and the State of Ohio have determined the need for the described Project:

The Project consists of resurfacing the existing roadway, North Main Street (US 68), from SLM 6.93 (Gwynne Street/Washington Avenue) to SLM 8.64 (northern corporation limit) in the City of Urbana.

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

SECTION ONE:

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described Project.

SECTION TWO:

The LPA shall cooperate with the Director of Transportation in the above described Project as follows:

The LPA agrees to participate in the cost of the Project. 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 further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act.

SECTION THREE:

The LPA agrees to acquire and/or make available to ODOT, in accordance with the 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 FOUR:

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 FIVE:

The LPA hereby authorizes the DIRECTOR OF ADMINISTRATION of said CITY OF URBANA to enter into and execute contracts with the Director of Transportation which are necessary 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, the DIRECTOR OF ADMINISTRATION is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the CITY OF URBANA 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.

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 SIX:

The RESOLUTION is hereby declared to be an emergency measure to expedite the highway Project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval.

President, City of Urbana Council

PASSED: _____

ATTEST: _____
Clerk of Council

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

Mayor, City of Urbana

REVIEWED: *W. M. Pender* 7/22/23
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