



**SANDUSKY CITY COMMISSION  
REGULAR SESSION AGENDA  
May 12, 2014 at 5 p.m.  
City Hall, 222 Meigs Street**

<b>INVOCATION</b>	Scott Schell
<b>PLEDGE OF ALLEGIANCE</b>	
<b>CALL TO ORDER</b>	
<b>ROLL CALL</b>	D. Brady, W Poole, N. Twine, D. Murray, J. Farrar, S. Schell & J. Smith
<b>APPROVAL OF MINUTES</b>	April 28 & May 5, 2014
<b>AUDIENCE PARTICIPATION</b>	Agenda items listed below only (3 minute limit)
<b>PROCLAMATIONS</b>	<b>Steps of Hope Day</b> – May 17, 2014 <b>National Police Week</b> – Week of May 15, 2014 <b>Click It or Ticket Mobilization Weeks</b> – May 19 – June 1, 2014 <b>Safe Boating Week</b> – May 18 – 24, 2014
<b>PRESENTATION</b>	<b>Jason Smith, Wade Trim &amp; Associates and Rebecca Corrigan, Chief Planner</b> <b>2014 CDBG HUD Action Plan &amp; Five-Year Plan</b>
<b>COMMUNICATIONS</b>	Motion to accept all communications submitted below

**CURRENT BUSINESS**

**ORDERED IN APRIL 14, 2014**

**ITEM #1** – It is requested an ordinance be passed providing for the submission to the electors of the City of Sandusky of proposed amendments to the Charter of the City of Sandusky.

**ITEM #2 – Submitted by Troy Vaccaro, Fleet Maintenance Chief Foreman**

**DISPOSAL OF ONE VEHICLE AND THREE ASSETS**

**Budgetary Information:** There is no budgetary impact. The proceeds from the sales will be deposited into the Department that was financially responsible for the asset.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing and directing the City Manager to dispose of a vehicle and miscellaneous personal property as having become unnecessary and unfit for city use pursuant to Section 25 of the city charter.

**ITEM #3 – Submitted by Jane E. Cullen, P.E.**

**ENCROACHMENT LICENSE FOR 1309 SYCAMORE LINE**

**Budgetary Information:** The cost of the recording is estimated to be \$60 and will be paid by the Ohio Department of Transportation.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an ordinance be passed authorizing the City Manager to enter into a license agreement with RC Smith & Associates, Ltd. to provide for the use of a certain portion of the city's rights-of-way as described in the grant of a license for encroachment, a copy of which is attached to this ordinance, marked Exhibit "1" and incorporated herein; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #4 – Submitted by Jane E. Cullen, P.E.**

**CONSENT LEGISLATION WITH OHIO DEPARTMENT OF TRANSPORTATION FOR U.S. ROUTE 250 CORRIDOR PROJECT**

**Budgetary Information:** No funds are required from the city unless the city requests to add construction items to the project. Of these items, if any, the city would be responsible for 100% of those costs. None are anticipated at this time.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a resolution be passed adopting the consent legislation submitted by the Director of the Ohio Department of Transportation for their U.S. Route 250 corridor improvement project, PID #88407, ERI US 0250.00; authorizing and directing the City Manager to sign the consent legislation and to execute any necessary contracts with the Director of Transportation to complete the project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #5 - Submitted by Kelly L. Kresser, CMC & Commission Clerk**

**A request has been received from the Ohio Division of Liquor Control requesting D5 (Spirituous liquor for on premises consumption only; beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m.) and D6 (Sale of intoxicating liquor on Sunday between the hours 10 a.m. or 11 a.m. and midnight) liquor permit transfers from Cedar Fair LP dba TGI Fridays on Pipe Creek, 2003 Cleveland Road and Patio to Cedar Fair LP dba Commons Canteen, 2026 Second Street, Sandusky, Ohio 44870.**

**CITY MANAGER'S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION**

Open discussion on any item (5 minute limit)

**EXECUTIVE SESSION(S)**

**ADJOURNMENT**

**Buckeye CableSystem broadcasts on Cable Channel 81:**

Monday, May 12 at 8:30 p.m.

Tuesday, May 13 at 5 p.m.

Monday, May 19 at 7 p.m.

# PROCLAMATION

WHEREAS, substance abuse disorders impact 23.5 million people aged twelve or older in the United States which is more than the number of people living with coronary heart disease, cancer or Alzheimer's disease combined; and

WHEREAS, people who receive treatment for substance use disorders can lead more productive and fulfilling lives personally and professionally; and

WHEREAS, real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families and the entire community; and

WHEREAS, it is critical that we educate our community members that substance use disorders are treatable, yet serious health care problems, and by treating them like other chronic diseases, we can improve the quality of life for the entire community and nation; and

WHEREAS, on May 17, 2014, Steps of Hope, the Rally for Recovery, will take place in response to the 23.5 million Americans addicted to drugs representing our hope that we CAN recover and can one day end this national epidemic of death and despair;

NOW THEREFORE, I, Dennis E. Murray, Jr., on behalf of the City of Sandusky and all of those who have been affected by addiction, do hereby ask to recognize May 17, 2014 as

## “STEPS OF HOPE DAY”

in the City of Sandusky and urge all citizens to work together to seek the solutions to the drug addiction problems in our community and all over the nation and that we raise our voices at this rally.

Dated this 12<sup>th</sup> day of May, 2014.

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Dennis E. Murray, Jr. - President  
Sandusky City Commission

# PROCLAMATION

**WHEREAS**, in 1962, President John F. Kennedy signed a Proclamation which designated May 15 as Peace Officers Memorial Day and the week in which this date falls as National Police Week; and

**WHEREAS**, tens of thousands of law enforcement officers from around the world converge on Washington, D.C., on May 15 each year to participate in a number of planned events which honor those who have paid the ultimate sacrifice; and

**WHEREAS**, a memorial service began in 1982 as a gathering in Senate Park of approximately 120 survivors and supporters of law enforcement; decades later, the event, commonly known as National Police Week, has grown to a series of events which attracts thousands of survivors and law enforcement officers to our nation's capital each year; and

**WHEREAS**, the National Peace Officers' Memorial service, which is sponsored by the Grand Lodge of the Fraternal Order of Police, is one in a series of events which includes the Candlelight Vigil sponsored by the "National Law Enforcement Officers Memorial Fund" and seminars sponsored by "Concerns of Police Survivors"; and

**WHEREAS**, National Police Week draws in between 25,000 to 40,000 attendees from police departments throughout the United States as well as from agencies throughout the world and this provides a unique opportunity to meet others that share a common brotherhood and these events are open to all law enforcement personnel and are an experience unlike any other; and

**WHEREAS**, the Congress of the United States of America has declared May 15, 2014, as Peace Officers Memorial Day;

**NOW THEREFORE**, I, Dennis E. Murray, Jr. – President of the Sandusky City Commission - do hereby declare the week of May 15, 2014 as

## **“National Police Week”**

in the City of Sandusky and urge others to recognize and give tribute to those who have paid the ultimate sacrifice.

Dated this 12<sup>th</sup> day of May, 2014.

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Dennis E. Murray, Jr. - President  
Sandusky City Commission  
City of Sandusky, Ohio

# PROCLAMATION

**WHEREAS**, the safety and security of the citizens of the City of Sandusky and the surrounding areas are vitally important; and

**WHEREAS**, a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and

**WHEREAS**, the use of seat belts in passenger vehicles saved an estimated 12,174 lives in 2012; and

**WHEREAS**, regular seat belt use is the single most effective way to reduce fatalities in motor vehicle crashes; and

**WHEREAS**, the use of seat belts is supported by the laws of the State of Ohio and the City of Sandusky; and

**WHEREAS**, May 19 through June 1, 2014 has been selected as the national *Click It or Ticket* mobilization enforcement period; and

**WHEREAS**, across the country, law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes; and

**WHEREAS**, increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

**NOW THEREFORE**, I, Dennis E. Murray – President of the Sandusky City Commission - do hereby proclaim and announce May 19 through June 1, 2014 as

## **“Click It or Ticket Mobilization Weeks”**

in the City of Sandusky, and urge all citizens to always wear seat belts when driving or riding on our roadways.

Dated this 12<sup>th</sup> day of May, 2014.

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Dennis E. Murray, Jr. - President  
Sandusky City Commission  
City of Sandusky, Ohio

# PROCLAMATION

**WHEREAS**, recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands; and

**WHEREAS**, however, our waterways can become crowded at times and be a place of chaos and confusion; and,

**WHEREAS**, unfortunately, accidents can occur as Americans participate in this popular pastime and many accidents are preventable; and

**WHEREAS**, simple steps can greatly reduce the chances of an accident and prepare for the boating season by taking boating safety courses and getting a free vessel safety check; and

**WHEREAS**, boaters should also wear a Coast Guard-approved life jacket and never boat under the influence of drugs or alcohol as these critical precautions can save lives and help ensure a fulfilling experience; and

**WHEREAS**, each year during this week, the United States Coast Guard partners with organizations to educate and inform the public about safe boating; and

**WHEREAS**, we join them in calling upon Americans to protect themselves and others while boating; and

**WHEREAS**, we must continue to spread the messages of boating safety not only during National Safe Boating Week, but also throughout the entire year;

**NOW THEREFORE**, I, Dennis E. Murray, Jr. - President of the Sandusky City Commission - do hereby support the goals of the North American Safe Boating Campaign and proclaim May 18 through May 24, 2014, as

## “Safe Boating Week”

in the City of Sandusky, and the start of the year-round effort to promote safe boating and urge all those who boat to observe this occasion by learning more about boating safety and committing themselves to safe practices on the water.

Dated this 12<sup>th</sup> day of May, 2014.

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Dennis E. Murray, Jr. - President  
Sandusky City Commission  
City of Sandusky, Ohio

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SANDUSKY OF PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SANDUSKY.

WHEREAS, Section 82 of the Charter of the City of Sandusky provides in relevant part that Amendments to City’s Charter may be submitted to the electors of the City upon a 2/3 vote of the members of the City Commission; and

WHEREAS, this City Commission has concluded that the Proposed Amendments to the City Charter attached hereto as Appendix A should be submitted to the electors of the City; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL THE MEMBERS THEREOF CONCURRING, THAT:

Section 1. The proposed amendments to the Charter of the City of Sandusky, as set forth in “Appendix A” which is attached hereto and made a part hereof as if fully rewritten herein, shall be submitted to a vote of the qualified electors of the City of Sandusky at an election to be held on Tuesday, the 4th day of November, 2014, at the regular places and times for voting in the City.

Section 2. It is the desire of the City Commission that the ballots for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall the Charter of the City be amended to provide that: the City Commission be reduced from 7 members to 5 members; that a majority of the members of the City Commission may terminate a proclamation of emergency by the City Commission President; that the President and one member of City Commission may call a special meeting; that an affirmative vote of at least 3 members of the City Commission be needed to adopt any ordinance or resolution; that an affirmative vote of at least 3 members of the City Commission be needed to dispense with multiple readings of new legislation; that an affirmative vote of 4 members of the City Commission be needed to pass any ordinance or resolution as an emergency; that no period of grant of any franchise be renewed more than earlier than 2 years prior to its expiration unless the City Commission shall by a vote of at least 4 of its members first declare its intention of considering a renewal thereof; that each member of the City Commission shall make three recommendations for individuals to serve on the Charter review committee?

	YES
	NO

Section 3. If the foregoing amendments receive the affirmative vote of a majority of the electors voting thereon, then such amendments shall thereupon take effect at the time provided for thereby.

Section 4. The Clerk of the City Commission is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Erie County on or before August 6, 2014.

Section 5. The Board of Elections of Erie County shall cause an appropriate notice to be duly given of the election to be held on November 4, 2014, on the foregoing amendments to the Charter of the City and otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. The Clerk of this City Commission is hereby authorized and directed to mail a copy of the proposed Charter amendments to each elector at least thirty days prior to the election to be held on November 4, 2014, as provided in Section 82 of the Charter, in Article XVIII, Section 9 of the Constitution of the State of Ohio, and in Section 731.211 of the Ohio Revised Code.

Section 7. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid election.

Section 8. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 9. That, for the reasons set forth in the last preamble hereto, this ordinance shall take effect as allowed by law.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed:



**Amendments to Sections §2, §3, §7, §10, §12, §13, §14, §56 and §87 of the Charter of the City of Sandusky, Ohio**

1. Amend Section §2 of the City of Sandusky, Ohio Charter to read as follows:

**§2 Form of Government**

The form of government provided in this Charter shall be known as the “Commission-Manager Plan,” and shall consist of a Commission of 7 citizens until December 31, 2015, and 5 members effective on January 1, 2016, who shall be elected at large in manner hereinafter provided. The City Commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations, appoint a chief administrative officer to be known as the “City Manager,” and exercise all powers hereinafter provided.

2. Amend Section §3 of the City of Sandusky, Ohio Charter to read as follows:

**§3 City Commission. Creation and Powers.**

There is hereby created, commencing January 1, 1980, a City Commission to consist of 7 citizens until December 31, 2015, and 5 members effective on January 1, 2016. Each member shall be an elector of the City elected at large, each of whom shall be elected for a term of 4 years beginning January 1, after their elections, as hereinafter set forth. As part of the November 2015 general election, only two of the four expiring terms shall be filled for terms beginning on January 1, 2016.

No person shall be qualified to be elected to the City Commission or to be appointed to fill an unexpired term of another person’s election or appointment to the City Commission if serving the term being sought in an election or the balance of the term to which the appointment is being made would result in the person serving on the City Commission more than eight years of the twelve year period ending the end of the term to which the person is seeking election or to which the person would be appointed. This limitation shall be effective for all terms that commence or appointments that are effective on or after January 5, 1992.

All of the powers of the City, except such as are vested in the Board of Education and except as otherwise provided by this Charter or by the Constitution of the State, are hereby vested in the City Commission; and except as otherwise prescribed by this Charter or by the Constitution of the State, the City Commission may by ordinance or resolution prescribe the manner in which any power of the City shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the State applicable to municipalities.

3. Amend Section §7 of the City of Sandusky, Ohio Charter to read as follows:

**§7 President**

The City Commission may at the time of organizing elect by secret ballot, one of its members as President and another as Vice-President for terms of 2 years. In case the members of the City Commission within 5 days after the time herein fixed for their organization meeting, are unable to agree upon a President or a Vice-President of such City Commission, then a President, or a Vice-President, or both as the occasion may require, shall be elected from all the members of such City Commission by lot conducted by the Law Director; who shall certify the result of such selection by lot upon the journal of the City Commission.

The President shall preside at all meetings of the City Commission and perform such other duties consistent with his or her office as may be imposed by it; and he or she shall have a voice and vote in its proceedings, but no veto. He or she may use the title of President of the City Commission in any case in which the execution of legal instruments of writing or other necessity arising from the general law of the State so requires; but this shall not be construed as conferring upon him or her the administrative functions of a mayor under the general laws of Ohio, but he or she shall have the judicial functions of a mayor under the laws of Ohio until such time as such judicial functions can or may be by and under authority of the Constitution and general laws of the State performed by some other officer appointed or elected for that purpose.

The President of the City Commission shall be recognized as the official head of the City by the courts for the purpose of serving civil process, by the Governor for the purpose of military law, and for all ceremonial purposes. He or she may take command of the police and govern the City by proclamation during times of public danger or emergency, and he or she shall himself or herself be judge of what constitutes such public danger or emergency. However, such a public danger or emergency proclamation of the President of the City Commission may be terminated at any time by an affirmative vote of 3 members of the City Commission. The powers and duties of the President shall be such as are conferred upon him or her by this Charter, together with such others as are conferred by the City Commission in pursuance of the provisions of this Charter, and no others.

If the President be temporarily absent from the City, or becomes temporarily disabled from any cause, his or her duties shall be performed during such absence or disability by the Vice-President. In the absence of both President and Vice-President, the other members of the City Commission shall select one of their number to perform the duties of President.

4. Amend Section §10 of the City of Sandusky, Ohio Charter to read as follows:

#### **§10 Meetings**

The City Commission shall meet at such times as may be prescribed by ordinance or resolution. The President, and 1 member of the City Commission, or the City Manager, may call a special meeting of the City Commission. All meetings of the City Commission shall comply in all respects with the open meeting laws as then in force and effect in the State of Ohio. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

5. Amend Section §12 of the City of Sandusky, Ohio Charter to read as follows:

#### **§12 Legislative Procedure**

A majority of all the members elected to the City Commission shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of at least 3 of the members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by “yeas” and “nays” and entered upon the journal.

6. Amend Section §13 of the City of Sandusky, Ohio Charter to read as follows:

### **§13 Ordinance Enactment**

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects, and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the city commission shall be: "Be it ordained by the city commission of the City of Sandusky, Ohio." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Sandusky, Ohio."

No ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money or the levying of a tax, or for the purchase, lease, sale or transfer of property, unless it be an emergency measure or unless otherwise provided by this Charter, shall be passed until it has been read at 2 regular meetings not less than one week apart, or the requirement for such reading has been dispensed with by an affirmative vote of 4 of the members of the city commission. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

7. Amend Section §14 of the City of Sandusky, Ohio Charter to read as follows:

### **§14 Emergency Measures**

All ordinances and resolutions passed by the city commission shall be in effect from and after 30 days from the date of their passage, except that the city commission may, by an affirmative vote of 4 of its members, pass emergency measures to take effect at the time indicated therein.

Any emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

8. Amend Section §56 of the City of Sandusky, Ohio Charter to read as follows:

### **§56 Period of Grants**

No such grant shall be exclusive, nor shall it be made for a longer period than 20 years. No such grant shall be renewed earlier than 2 years prior to its expiration unless the City Commission shall by a vote of at least 4 of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

9. Amend Section §87 of the City of Sandusky, Ohio Charter to read as follows:

### **§87 Review of Charter**

This Charter is to be reviewed every five years, commencing January 1, 1995. A public notice is to be published at least 30 days in advance so that persons residing within the City limits can

submit their names as being interested in serving to review this Charter. The City Commission shall take all names under consideration and each Commissioner shall make three recommendations to be voted upon and approved by the City Commission. If an individual so appointed cannot serve, the Commissioner making the original appointment shall appoint a replacement to be approved in the same manner and way described.

Upon completion of its duties pursuant to and in review of this Charter, said Charter Review Committee shall be dissolved.



## DEPARTMENT OF GENERAL SERVICES

AARON KLEIN, P.E.  
DIRECTOR

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933

[aklein@ci.sandusky.oh.us](mailto:aklein@ci.sandusky.oh.us)

To: Don Icsman, Acting City Manager  
From: Troy Vaccaro, Fleet Maintenance Chief Foreman  
Date: May 1, 2014  
Subject: Commission Agenda Item

**ITEMS FOR CONSIDERATION:** Requesting legislation to dispose of one vehicle and three other assets through [www.Govdeals.com](http://www.Govdeals.com) which is an internet auction site for governmental entities that have been either removed from service or are not needed.

**BACKGROUND INFORMATION:** The following items have been determined by the Fleet Maintenance Chief Foreman to be of no use to the City and is recommending the vehicle and miscellaneous items be declared obsolete, unnecessary and unfit for City use.

1999 Ford Taurus (VIN No. 1FAF52U5XG271128 / 119,595 miles)- This vehicle was originally purchased for use as a pool car for the City Manager's office. The car was then transferred to the Engineering. The proceeds from this sale will be deposited into the General Fund.

Rockford Fosgate amplifier and speakers: These items were removed from a vehicle that was confiscated by SPD and forfeited by the courts. The related court case has been closed and it is no longer necessary to retain the items. The proceeds from this sale will be deposited into the Police Department's Forfeiture Fund.

Sandstone sidewalk pieces: These pieces of old sidewalk have been removed from various parts of the City over the years. The proceeds from this sale will be deposited into the Water Fund.

Cannon 12ft snow pushing box attachment: This attachment was purchased by the Water Department to push snow with a backhoe. It has not been an effective resource in our snow removal process. The proceeds will be deposited into the Water Fund.

**BUDGETARY INFORMATION:** There is no budgetary impact. The proceeds from the sales will be deposited into the Department that was financially responsible for the asset.

**ACTION REQUESTED:** It is requested that legislation be approved authorizing the disposal of the vehicles and equipment through the use of public internet auction.

Approved:

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Aaron Klein  
City Engineer

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Don Icsman  
Acting City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF A VEHICLE AND MISCELLANEOUS PERSONAL PROPERTY AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER.**

**WHEREAS**, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

**WHEREAS**, the following vehicle and miscellaneous items have been determined to be obsolete, unnecessary and unfit for City use and it is requested the items be disposed of via [www.Govdeals.com](http://www.Govdeals.com) which is an internet auction site for governmental entities:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
1999 Ford Taurus	1FAF52U5XG271128	119,595

**Miscellaneous Items**

Rockford Fosgate Amplifier and Speakers

Sandstone Sidewalk Pieces

Cannon 12 ft. Snow Pushing Box Attachment

**WHEREAS**, the Rockford Fosgate Amplifier and Speakers have been forfeited to and/or confiscated by the Sandusky Police Department and the related Court case has been adjudicated and closed thereby eliminating the need to retain the items as evidence and the proceeds from the sale of these items will be placed into the Police Department's Forfeiture Fund; and

**WHEREAS**, the proceeds from the sale of the 1999 Ford Taurus will be placed into the General Fund and the proceeds from the sale of the sandstone sidewalk pieces and Cannon snow pushing box attachment will be placed into the Water Fund; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Engineering Department, of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that the vehicle and miscellaneous personal property described in the preamble above have become obsolete and are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of this personal property no longer needed for City purposes through public auction, sale process or by internet auction with the proceeds from sales to be placed in the City's General Fund, Police Department's Forfeiture Fund, and Water Fund.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution shall take effect as allowed by law.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed:



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933

To: Donald C. Icsman, Acting City Manager  
From: Jane E. Cullen, P.E.  
Date: April 29, 2014  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Encroachment License for property located at 1309 Sycamore Line and owned by RC Smith & Associates, LTD for an existing residence.

The encroachment onto City property is 14.46 square feet total. This license will allow the property owner of 1309 Sycamore Line permission to keep the existing residence at its current location within the City right-of-way for so long as the licensee complies with all requirements of this agreement and licensee acknowledges that this Grant of a License is terminable at the will of the City.

This section of Sycamore Line is part of the Ohio Department of Transportation (ODOT) US-250 (PID88407) improvement project located within Perkins Township and the City of Sandusky. The improvements will begin at the US250 (Milan Road) and Bogart Road intersection and continue north. The two intersections to be improved within the City of Sandusky limits are: Milan Road and Sycamore Line and Sycamore Line and Cleveland Road. ODOT will be the lead agency and will administer the project. Construction is scheduled to begin in 2015 and be completed in 2016.

**BUDGETARY INFORMATION:** The cost of the recording is estimated to be \$60.00 and will be paid by the Ohio Department of Transportation.

**ACTION REQUESTED:** It is recommended that the Grant of a License for Encroachment for the property at 1309 Sycamore Line be approved and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order for ODOT to finalize their right of way plans for their ERI-250.00 corridor project.

I concur with this recommendation:

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Donald C. Icsman  
Acting City Manager

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Aaron M. Klein, P.E.  
Director of Engineering

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH RC SMITH & ASSOCIATES, LTD. TO PROVIDE FOR THE USE OF A CERTAIN PORTION OF THE CITY'S RIGHTS-OF-WAY AS DESCRIBED IN THE GRANT OF A LICENSE FOR ENCROACHMENT, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE, MARKED EXHIBIT "1" AND INCORPORATED HEREIN; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, certain property of the City is currently platted as City right-of-way including the property identified and more fully described in Exhibit "A"; and

**WHEREAS**, this proposed License for Encroachment will allow the current property owner, RC Smith & Associates, LTD, of property located at 1309 Sycamore Line, to retain and maintain an existing structure within the City's rights-of-way located on the west side of Sycamore Line and south of Cleveland Road; and

**WHEREAS**, this section of Sycamore Line is part of the Ohio Department of Transportation's U.S. Route 250 Corridor Improvement Project located within Perkins Township and the City of Sandusky which includes improvements to be made to the Milan Road & Sycamore Line and Sycamore Line & Cleveland Road intersections; and

**WHEREAS**, this City Commission, under powers of Local self-government granted to the City by Article XVIII of the Ohio Constitution and Section 3 and Section 25 of the Charter of the City of Sandusky, has the power to change the use of City property to a use that would be of greater benefit and use to the public; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the Grant of a License for Encroachment and allow the Ohio Department of Transportation to finalize their right-of-way plans for their U.S. Route 250 Corridor Improvement Project which is scheduled to begin in 2015; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into the Grant of a License for Encroachment Agreement with RC Smith & Associates, LTD., substantially in the same form as contained in Exhibit "1", which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the city and as being consistent with carrying out the City's public purpose as set forth in the preamble hereto.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be

deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: May 12, 2014

**GRANT OF A LICENSE FOR ENCROACHMENT  
ON THE WEST SIDE OF SYCAMORE LINE &  
THE SOUTH SIDE OF CLEVELAND ROAD**

This License Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2014, between the City of Sandusky, Ohio ("City") whose tax mailing address is 222 Meigs Street, Sandusky, Erie County, Ohio, 44870, and R-C Smith & Associates, LTD ("Licensee") whose tax mailing address is 5214 Ransom Road, Sandusky, Erie County, Ohio 44870, under the following conditions and circumstances:

A. The City of Sandusky, Erie County, Ohio, is the Owner and Trustee for the general public of the rights-of-way as defined in the Ohio Revised Code, Section 4511.01(uu), including Sycamore Line and Cleveland Road and is more fully described in Exhibit "A" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.

B. Licensee is the owner in fee simple of the real estate adjoining the west side of the Sycamore Line right-of-way and the south side of Cleveland Road right-of-way located at 1309 Sycamore Line.

C. Licensee desires to retain and maintain an existing structure (the "Encroachment"), within the City's rights-of-way, located at 1309 Sycamore Street, Sandusky, Ohio, and as more fully described in Exhibits "A" and "B" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.

D. The City is willing to grant to Licensee a temporary license to maintain the Encroachment for so long as Licensee remains the owner of the property to the west side of the Sycamore Line right-of-way and the south side of the Cleveland Road right-of-way and provided the Encroachment is not substantially altered.

**NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION PAID, THE PARTIES AGREE AS FOLLOWS:**

1. The City grants to Licensee the license and permission to retain and maintain the Encroachment as more fully described in Exhibits "A" and "B" which are attached to this License Agreement and are specifically incorporated as if fully rewritten herein, for so long as Licensee remains the owner of real property located at 1309 Sycamore Line, Sandusky, Ohio, and provided that the Encroachment is not substantially altered and Licensee complies with all legal requirements and Licensee acknowledges that this grant of a license is terminable at the will of the City;

2. Licensee agrees that, except for the license granted pursuant to this Agreement, Licensee makes no claim of right and has no interest or title in any part of the property and Licensee further agrees that the maintenance of the Encroachment shall not, at any time, be deemed or construed to be an adverse possession of any part of the City's right-of-way;

**3. Licensee agrees to maintain the Encroachment for use by the general public in conjunction with Licensee's facilities** located at 1309 Sycamore Line, Sandusky, Ohio, and further agrees to indemnify and hold harmless the City of Sandusky (it's officials, employees, boards, commissions and agents) from any and all loss, damage, expense, or liability arising from the maintenance of the Encroachment;

4. This Agreement shall not be construed to run with the land and is only a temporary license, terminable at the will of the City.

**SIGNATURE PAGES TO FOLLOW**

IN WITNESS WHEREOF, the parties have hereunto set their hands on the  
dates indicated below:

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

CITY:  
CITY OF SANDUSKY

\_\_\_\_\_  
\_\_\_\_\_

Donald C. Icsman, Acting City Manager

State of Ohio )  
                  ) ss:  
County of Erie )

Before me a Notary Public for the State of Ohio, appeared the above  
named, Donald C. Icsman, Acting City Manager of the City of Sandusky, who  
acknowledged that he signed the foregoing instrument and that the signing  
was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed  
my seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

\_\_\_\_\_  
  
\_\_\_\_\_

LICENSEE:  
R-C SMITH & ASSOCIATES, LTD

\_\_\_\_\_  
Rosalyn Ahner, Manager /  
Managing Member  
\_\_\_\_\_

State of Ohio )  
                  ) ss:  
County of Erie )

Before me a Notary Public for the State of Ohio, appeared the above named, Rosalyn Ahner, Manager/Managing Member of R-C Smith & Associates, LTD, who acknowledged that they signed the foregoing instrument and that the signing was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Instrument prepared by:

\_\_\_\_\_  
Donald C. Icsman  
Ohio Supreme Court #0021435  
Law Director  
City of Sandusky

Legal Description  
Residence Encroachment

Subject Residence:  
Current Owner: R-C Smith & Associates, LTD  
Address: 1309 Sycamore Line Road  
Sandusky, Ohio

Situated in the State of Ohio, County of Erie, City of Sandusky, and being part of Lot 31 on Sycamore Line Road, George H. DeWitt's Subdivision as described in Plat Volume 5, Page 3 of the Erie County Plat Records, being on the right side of the centerline of survey of US 250 (Sycamore Line Road), and being an area within the existing right-of-way of United States Route 250 (US 250 aka Sycamore Line Road) and located east of and adjoining a parcel of land conveyed to R-C Smith & Associates, LTD, an Ohio limited liability company, as described in Instrument No. 201400671 of the Erie County Deed Records, and bounded and described as follows:

Commencing at the northeast corner of said Lot 31 on the west right of way line of US 250 (Sycamore Line Road) (Sta. 00+34.82, 30.00 feet right), C.L. Survey US 250 (Sycamore Line Road);

Thence South 02 degrees 33 minutes 00 seconds East, along the east line of said Lot 31 and also being the west right of way line of said US 250 (Sycamore Line Road), a distance of 17.95 feet to a point (Sta. 00+52.77, 30.00 feet right) C.L. Survey US 250 (Sycamore Line Road) marking the POINT OF BEGINNING of the area herein described:

1. thence South 24 degrees 23 minutes 46 seconds East, a distance of 8.49 feet to a point (Sta. 00+60.65, 26.84 feet right) C.L. Survey US 250 (Sycamore Line Road);
2. thence South 65 degrees 36 minutes 14 seconds West, a distance of 3.40 feet to a point on the northwest line of said Lot 31 (Sta. 0+61.92, 30.00 feet right) C.L. Survey US 250 (Sycamore Line Road);
3. thence North 02 degrees 33 minutes 00 seconds West, a distance of 9.15 feet, along the northwest line of said Lot 31, being also the grantor's northwest property line, to the TRUE POINT OF BEGINNING.

The above described area is within Erie County Auditor's Permanent Parcel Number 57-04557.000, and contains 0.0003 acres of land, more or less.

The bearings referred herein are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96 adjustment) Datum from Global Positioning System (GPS) observations by The Ohio Department of Transportation (ODOT) District 3 in February, 2011, and are used for the purpose of describing horizontal angular measurement.

This description is based upon a field survey performed between February 26, 2013 and May 7, 2013 by Poggemeyer Design Group, Inc. under the direct supervision of Dana A. Parsell, Ohio Professional Surveyor S-7931.

The stations referred to herein are from the centerline of survey of United States Route 250 (Sycamore Line Road), as identified on ODOT Plan ERI-250-0.00, P.I.D. 88407.



Dana A. Parsell, P.S.  
Professional Surveyor No. 7931  
Poggemeyer Design Group, Inc.  
1168 North Main Street  
Bowling Green, Ohio 43402

03.18.2014

Date

I:\5033\010\88407\row\legal\40\_Encroachment.doc

APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
Administrative Code only. No Field Verifications  
for Accuracy made.



  
Erie County Engineer

Date: 3/25/14

**Residence Encroachment Exhibit**

OWNER: R-C SMITH & ASSOCIATES, LTD,  
 AN OHIO LIMITED LIABILITY COMPANY  
 ERIE COUNTY AUDITOR PARCEL 57-04557.000  
 LOT 31, SYCAMORE LINE  
 GEORGE DEWITT'S SUBDIVISION  
 CITY OF SANDUSKY, ERIE COUNTY, STATE OF OHIO

FRANK M. KENSKI  
 PARCEL 57-02454.000  
 O.R. 433, PG. 836  
 LOT 29

CAROL VOGLER-BRIGHT  
 PARCEL 57-02765.000  
 RN #200508102  
 LOT 30

R-C SMITH & ASSOCIATES, LTD  
 PARCEL 57-04557.000  
 RN #201400671  
 LOT 31

George DeWitt's Subdivision  
 (Plat Volume 5, page 3)  
 McKelvey's Addition  
 (Plat Volume 2, page 7)

CLEVELAND AVE.  
 RELOCATED

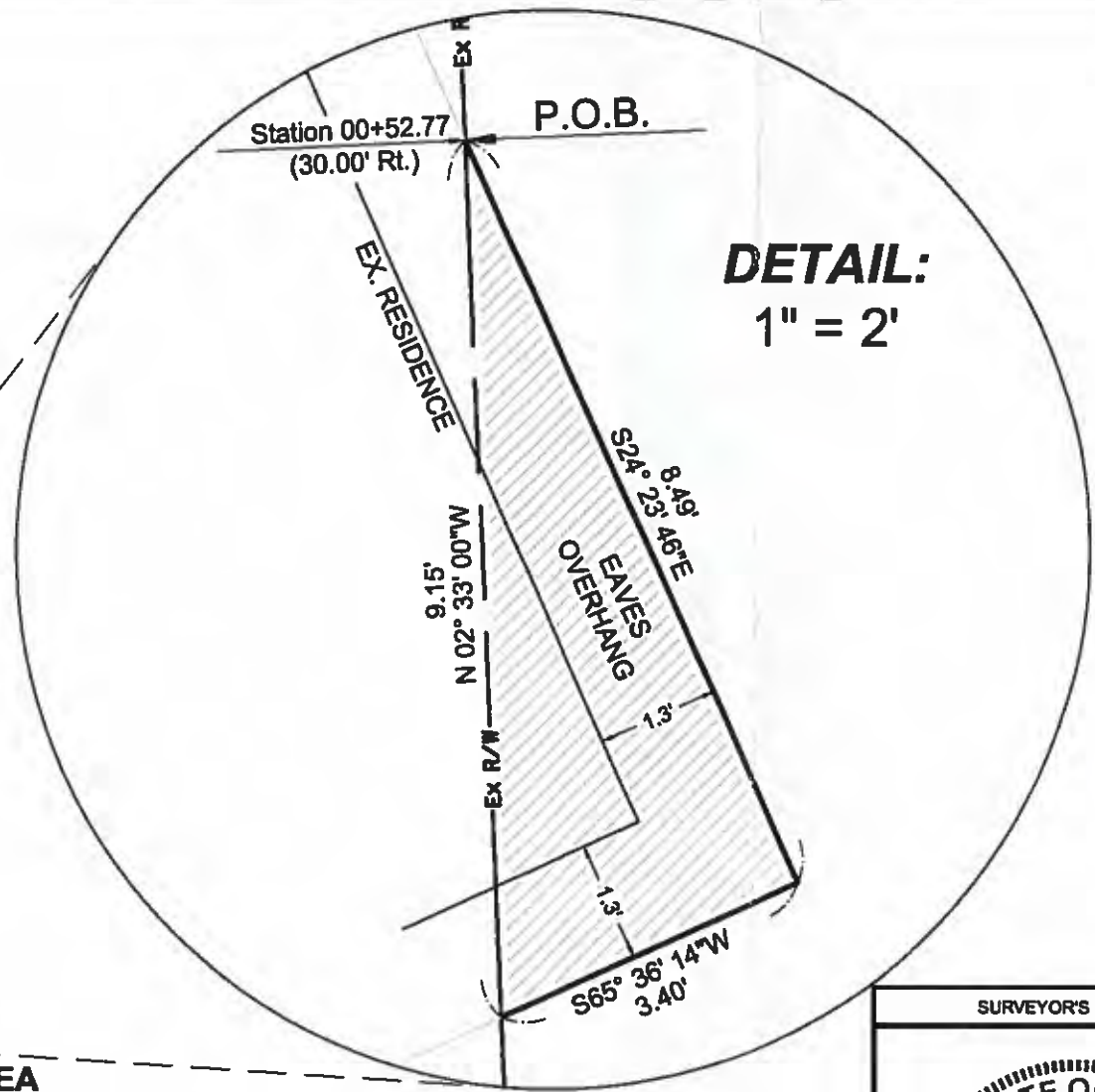
Station 00+00.00  
 P.I. (I.P. IN MONBOX)

P.O.C. Station 00+34.82  
 (30.00' Rt.)

Station 00+52.77  
 (30.00' Rt.)

Station 00+61.92  
 (30.00' Rt.)

**ENCROACHMENT AREA**  
 (0.0003 Acres ~ 14.46 Sq. Ft.)



**ENCROACHMENT AREA**  
 (0.0003 Acres ~ 14.46 Sq. Ft.)

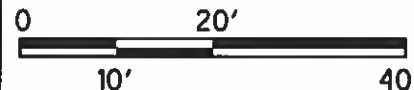
SURVEYOR'S SEAL



*D.A.P.* 03-18-14  
 Dana A. Parsell, P.S. Date  
 Ohio Professional Surveyor No. 7931

**POGEMEYER DESIGN GROUP, INC.**  
 ARCHITECTS + ENGINEERS + PLANNERS

DRAWN: DAP  
 CHECKED: JJ  
 DATE: 03-18-2014  
 JOB NO.: 5033-010



RESIDENCE ENCROACHMENT EXHIBIT  
 1309 Sycamore Line Road  
 Area east of Lot 31, Sycamore Line  
 City of Sandusky, Erie County, State of Ohio





## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933  
jcullen@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager  
From: Jane E. Cullen, P.E.  
Date: May 13, 2013  
Subject: Commission Agenda Item

**Item for Consideration:** A resolution giving the City of Sandusky's consent to the State of Ohio, Ohio Department of Transportation for the completion of their ERI-250.00 corridor project.

The project is the large US-250 improvement project located within Perkins Township and the City of Sandusky. The subject project (PID 88407) is designed upgrade existing traffic signals and signing, incorporate access management, add turn lanes where needed. A five foot wide sidewalk will also be added in areas where sidewalk is missing. The improvements will begin at the US250 (Milan Road) and Bogart Road intersection and continue north. The two intersections to be improved within the City of Sandusky limits are: Milan Road and Sycamore Line and Sycamore Line and Cleveland Road. ODOT will be the lead agency and will administer the project. Construction is scheduled to begin in 2015 and be completed in 2016.

**Budgetary Information:** No funds are required from the City unless the City requests to add construction items to the project. These items, if any, The City would be responsible for 100% of those costs. None are anticipated at this time.

**Action Requested:** It is recommended that a resolution giving the City of Sandusky's consent to ODOT for the completion of ERI-250-1.14 Intersection Improvement project be approved in accordance with Section 14 of the City Charter in order to return signed documents to ODOT no later than May 28, 2014 as requested.

I concur with this recommendation:

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Donald C. Icsman  
Acting City Manager

---

Aaron M. Klein, P.E.  
Director of Engineering

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 3 • 906 CLARK AVE • ASHLAND, OHIO 44805 • (800) 276-4188  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • ALLEN C. BIEHL, P.E., DISTRICT DEPUTY DIRECTOR

April 17, 2014

Mr. Aaron Klein, P.E.  
City Engineer  
222 Meigs Street  
Sandusky, OH 44870

Re: PID 88407 ERI-250-0.00 Intersection Improvement

Dear Mr. Klein:


Enclosed are two (2) copies of an ordinance form, to be enacted by the City Council for the referenced project.

Please make arrangements to have the ordinance forms presented to the City Council for consideration and when enacted, **return two (2) original signature copies to this office.** An original signature copy will be returned to the city later with a signature of the Director of ODOT affixed.

The title of the contractual officer should be affixed on page two and that person should sign as the contractual officer on page three. If the city does not have an official seal, please attach a copy of a statement to that effect, to the return transmittal. **Please return these documents to this office no later than May 28, 2014.**

Please call me at 419.207.7062 if you have any questions.

Respectfully,

  
Toriene Johnson, AP 4  
Planning & Engineering Department  
District 3

LAF:TMJ:tmj

Attachments

cc: Project file, I:Drive file

*250 Corridor Project*  
Includes Intersections at  
— *Chautauque Rd / Sycamore Line*  
Rt. 6 Rt. 250  
— *Milans Rd / Sycamore Line*

ENGINEERING DEPT.

APR 18 2014

CITY OF SANDUSKY

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTING THE CONSENT LEGISLATION SUBMITTED BY THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THEIR U.S. ROUTE 250 CORRIDOR IMPROVEMENT PROJECT, PID NO. 88407, ERI US 0250 00.00; AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN THE CONSENT LEGISLATION AND TO EXECUTE ANY NECESSARY CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION TO COMPLETE THE PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City Commission previously provided a Resolution, passed on July 27, 2009, in support of the improvements to be made as part of the Ohio Department of Transportation's Route 250 Corridor Project; and

**WHEREAS**, the City commission previously consented to the donation and transfer of 0.0272 acre of right-of-way to the State of Ohio for their U.S. Route 250 Corridor Improvement Project by Ordinance No. 13-110, passed on October 15, 2013; and

**WHEREAS**, the Ohio Department of Transportation's U.S. Route 250 Corridor Improvement Project involves upgrading existing traffic signals and signing, incorporating access management, adding turn lanes where needed and adding a five foot wide sidewalk in areas where the sidewalk is missing and begins at the U.S. 250 (Milan Road) / Bogart Road intersection and continues north to include improvements to the Milan Road / Sycamore Line and Sycamore Line / Cleveland Road intersections; and

**WHEREAS**, the consent legislation, a copy of which is attached to this Resolution and marked Exhibit "A", is necessary for the Director of the Ohio Department of Transportation to complete the U.S. Route 250 Corridor Improvement Project including improvements to the Milan Road / Sycamore Line and Sycamore Line / Cleveland Road intersections within the City of Sandusky; and

**WHEREAS**, the consent legislation, Exhibit "A" attached to this Resolution, provides the terms of the agreement and cooperation between the City of Sandusky and the Director of Transportation regarding the completion of the project; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to return the consent legislation to the Ohio Department of Transportation by the requested date of May 28, 2014; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Engineering, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:**

Section 1. The consent legislation submitted by the Director of the Ohio Department of Transportation, a copy of which is attached to this Resolution and marked Exhibit "A", for the U.S. Route 250 Corridor Improvement Project, PID No. 88407, ERI US 0250 00.00, consenting to the Director of Transportation to complete intersection improvements on U.S. Route 250 (Milan Road), is adopted by this City Commission and the President of this City Commission is authorized to sign the consent legislation.

Section 2. The City Manager is hereby authorized and directed to sign the consent legislation and to execute any necessary contracts with the Director of Transportation to complete the U.S. Route 250 Corridor Improvement Project, PID No. 88407, ERI US 0250 00.00.

Section 3. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: May 12, 2014

# CONSENT LEGISLATION

Ordinance/Resolution No. \_\_\_\_\_  
PID No. 88407  
Project Name ERI US 0250 00.00

The following \_\_\_\_\_ enacted by the City of Sandusky of Erie County, Ohio,  
(Ordinance/Resolution)  
hereinafter referred to as the City, in the matter of the stated described project.

## **SECTION I - Project Description**

WHEREAS, the State has identified the need for the described project:

*This project includes improving US 250 (Milan Rd.) by upgrading the existing traffic signals and signing, incorporating access management, and adding turn lanes where needed. A five foot wide sidewalk will also be added in areas where sidewalk is missing. Additional lanes on the SR 2 interchange ramps will be added. Side road improvements include Hull Rd., Crossings Rd., Fun Dr., SR 2 Ramps "A", "B", and "C" and Bogart Rd. New alignment will be constructed at Bay Winds / Park Place South drive intersection with US 250.*

Construction is tentatively scheduled to begin in calendar year 2015 and be completed in 2016.

NOW THEREFORE, be it ordained by the City of Sandusky of Erie County, Ohio.

## **SECTION II - Consent Statement**

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

## **SECTION III - Cooperation Statement**

The City shall cooperate with the Director of Transportation in the above described project as follows:

- 1) *The City gives consent for the above improvement,*
- 2) *No funds are required from the City except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration.*

## **SECTION IV - Maintenance**

The City will maintain the right-of-way and keep it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

PID No. 88407  
Project Name ERI US 0250 00.00

**SECTION V - Authority to Sign**

The \_\_\_\_\_ of said City of Sandusky is hereby empowered on behalf  
(Contractual Agent)  
of the City of Sandusky to enter into contracts with the Director of Transportation  
necessary to complete the above described project.

Passed: \_\_\_\_\_, 201\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk) (Officer of City - title)

Attested: \_\_\_\_\_  
(Title) (President of Council)

This \_\_\_\_\_ is hereby declared to be an emergency measure to expedite the highway  
(Ordinance/Resolution)  
project and to promote highway safety. Following appropriate legislative action, 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.

PID No. 88407  
Project Name ERI US 0250 00.00

**CERTIFICATE OF COPY**  
**STATE OF OHIO**  
City of Sandusky of Erie County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Sandusky of Erie County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of \_\_\_\_\_ adopted by  
(Ordinance/Resolution)  
the legislative Authority of the said City of Sandusky on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_,

that the publication of such \_\_\_\_\_ has been made and certified of record according to  
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such \_\_\_\_\_ have been taken;  
(Ordinance/Resolution)

and that such \_\_\_\_\_ and certificate of publication thereof are of record in  
(Ordinance/Resolution)

\_\_\_\_\_, Page \_\_\_\_\_.  
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

(SEAL)  
(If Applicable)

\_\_\_\_\_  
Clerk Signature  
City of Sandusky of Erie County, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Sandusky of Erie County, Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_