



AGENDA
ATHENS CITY COUNCIL
MONDAY, MARCH 18, 2024 AT 7:00 PM

e-mail: dwalker@ci.athens.oh.us

Streaming is available at www.ci.athens.oh.us/video

- 1. Establish Quorum**
- 2. Disposition of Minutes:**
 - Regular Session held March 4, 2024
- 3. Communications**
- 4. Reports and Communications from Other Elected Officials**
- 5. Ordinances for Third Reading:**

0-12-24

AN ORDINANCE CONVEYING CITY-OWNED PROPERTY LOCATED AT 83 COLUMBUS ROAD, TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC).
Introduced by Council Member Swank

0-20-24

AN ORDINANCE ACCEPTING PERMANENT BIKE PATH AND UTILITY RIGHT-OF-WAY EASEMENTS FROM THE ATHENS COUNTY PUBLIC LIBRARIES.
Introduced by Council Member Swank

6. Ordinances for Second Reading:

0-10-24

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AND DECLARING AN EMERGENCY.
Introduced by Council Member Risner

0-24-24

AN ORDINANCE APPROVING THE UNNAMED RIGHT OF WAY ON HERROLD AVENUE

TO BE NAMED DAVISON COURT.
Introduced by Council Member Swank

0-25-24

AN ORDINANCE AMENDING ORDINANCE 62-23; AUTHORIZING PRELIMINARY ENGINEERING SERVICES FOR THE STATE ROUTE 682/56 INTERSECTION IMPROVEMENTS, PROJECT (#357).

Introduced by Council Member Spjeldnes

0-26-24

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, [IN GENERAL], SECTIONS 17.01.011(B), AUTHORITY TO LEVY TAX, AND 17.01.012, PURPOSES OF TAX; RATE; AND CHAPTER 17.01.09, ANNUAL RETURN, SECTION 17.01.091(A)(1), RETURN AND PAYMENT OF TAX.

Introduced by Council Member Risner

0-27-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

Introduced by Council Member Risner

7. Ordinances for First Reading:

0-28-24

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23; AND AUTHORIZING AN INTERFUND TRANSFER.

Introduced by Council Member Risner

0-29-24

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT TO BIS DIGITAL; AND DECLARING AN EMERGENCY.

Introduced by Council Member Risner

0-30-24

AN ORDINANCE AMENDING ORDINANCE 65-23; AUTHORIZING ENGINEERING SERVICES FOR REHABILITATION OF THE STIMSON AVENUE BRIDGE, PROJECT (#358).

Introduced by Council Member Spjeldnes

8. One-Reading Resolution:

- **R-03-24**

A RESOLUTION REQUESTING ALL ELECTED OFFICIALS INSTITUTE A HIRING FREEZE FOR POSITIONS FUNDED BY THE CITY'S GENERAL FUND UNTIL A POSITION REVIEW HAS TAKEN PLACE.

Introduced by Council Member Risner

9. Announcements & Other Business:

- Motion to Accept the Auditor's February 2024 Financial Reports
- Motion to Accept December 2023 and February 2024 Credit Card Transactions
- Confirm Mayor's Appointment to the Athens City-County Board of Health
- Appointments to the Affordable Housing Commission

10. Opportunity for Citizens to Speak on Legislative Items and City Services Not Covered on the Agenda

11. Adjournment

Sam Crowl
President of Council

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

0-12-24

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE CONVEYING CITY-OWNED PROPERTY LOCATED AT 83 COLUMBUS ROAD, TO THE ATHENS COMMUNITY IMPROVEMENT CORPORATION (ACIC).

WHEREAS, the CIC can offer economic development options that might not otherwise be possible should this property remain municipally-owned;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The Mayor is hereby authorized to convey City-owned property located at 83 Columbus Road, to the Athens Community Improvement Corporation (ACIC), an Ohio non-profit corporation, a copy of the General Warranty Deed and the Court of Common Pleas Amended Journal Entry, Order of Forfeiture, recorded as Instrument 201200006898, Book 479, Pages 1608,1609,1610,1611, and 1612 are attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

GENERAL WARRANTY DEED

(O.R.C. §5302.05 and §5302.06)

THE CITY OF ATHENS, OHIO, a municipal corporation, for valuable consideration paid, grants with general warranty covenants to the **ATHENS COMMUNITY IMPROVEMENT CORPORATION**, an Ohio non-profit corporation, whose tax mailing address is 8 E. Washington St., Athens, Ohio 45701, the following real property:

Being in lots number 3085 and 3086 in Terrace Heights Subdivision of the City of Athens, Ohio.

No intoxicating liquor shall be manufactured or sold for consumption on said premises.

Prior Instrument References: OR Book 479, Page 1608, Instrument No. 201200006898; Official Records of Athens County

OR Book 175, Page 20 of the Official Records of Athens County

Parcel ID Nos. A028200005000
A028200005100

Commonly known as: 83 Columbus Road, Athens, Ohio 45701

This conveyance is being made subject to any and all legal easements, rights of way, zoning ordinances, leases of record, and any other restrictions and conditions of record, if any.

The attorney preparing this instrument makes no warranties as to title to the above-described property and the attorney does not certify the accuracy of the legal description herein.

Executed this ____ day of _____, 2024.

THE CITY OF ATHENS, OHIO

By: Steve Patterson, Mayor

STATE OF OHIO :
: SS
COUNTY OF ATHENS :

The foregoing instrument was acknowledged before me this ____ day of _____ 2024 by **STEVE PATTERSON**, the Mayor of **THE CITY OF ATHENS, OHIO**. He personally appeared before me and is known to me. He acknowledged that he executed the same for the purposes expressed herein. This is an acknowledgement clause. No oath or affirmation was administered to the signer with regard to this notarial act.

Notary Public

Print name: _____

My commission expires: _____

*This instrument is two pages in length. It was prepared by:
Jessica Branner Hittle (0090497), Asst. Law Director, City of Athens, 8 E. Washington St.,
Athens, Ohio 45701*

Instrument 20120006898 DR
Book Page 479 1608

This Conveyance has been examined
and the Grantor has complied with
Section 319.202 of the Revised Code

No. EX Transfer Fee Paid \$ 0
Jill A. Thompson, Athens County Auditor

By JN Deputy Auditor

1,00
Transferred
12-13-12

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO

FILED
ATHENS COUNTY, OHIO
DEC 10 2012
Arthur, CLERK
OF COMMON PLEAS COURT

Jayon Kittle-Cooper
Athens County Treasurer

Plaintiff

vs.

Delmer E. Hicks, et al.,

Defendants.

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Case No. 11CI0183

JUDGE L. ALAN GOLDSBERRY

AMENDED JOURNAL ENTRY
ORDER OF FORFEITURE

Pursuant to the Ohio Revised Code 5723.01, the Court having received the Certification of the Prosecuting Attorney and having notified the City of Athens that the following described property was twice offered for sale without bidder, and further having timely received the Petition of the City of Athens, the Court hereby ORDERS that the following property is hereby forfeited to the City of Athens:

Situated in the City of Athens, State of Ohio, and being in lots numbered 3085 and 3086 in Terrace Heights Subdivision of the City of Athens, Ohio.

Last Reference: Volume 175 Page 20, Official Records of Athens County, Ohio
Parcel ID Nos. A02-82000050-00 (Lot 3085) and Parcel ID No. A02-82000051-00 (Lot 3086)

*NOTE - On the Deed referenced above, there is a deed restriction that no intoxicating liquor shall be manufactured or sold for consumption on said premises.

The Court further Orders that the following lien(s) are hereby marshaled and released as to Parcel ID#(s) A02-82000050-00 (Lot 3085) and A02-82000051-00 (Lot 3086):

Federal Tax Lien filed on December 4, 2009, in the original sum of \$285,860.35, in Volume 441, Page 2502, of the Official Records of Athens County, Ohio

Federal Tax Lien filed on February 1, 2010, in the original sum of \$10,167.98, in Volume 443, Page 2062, of the Official Records of Athens County, Ohio.

The Court further Orders that a copy of this Entry be certified to the Auditor of Athens County, and that thenceforth all the rights, title, claims and interest of Delmer E. Hicks, et al., their heirs, successors and assigns, in the real estate described herein is transferred to and vested in the City of Athens.

KELLER J. BLACKBURN
Athens County Prosecuting Attorney
Courthouse • Athens, Ohio 45701 • 740-592-3208

ORDER
PAGE TWO

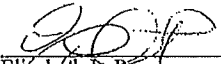
The City of Athens shall be responsible for the recording of this document
with the Athens County Recorder's Office for the real estate.

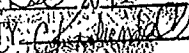
Pursuant to O.R.C. 5722.04, all taxes and assessments through tax year 2012 for
the real estate are ordered remitted.


Judge L. Alan Goldsberry

KELLER J. BLACKBURN (#0080777)
ATHENS COUNTY PROSECUTING ATTORNEY

Prepared and Submitted by:


Elizabeth L. Pepper
Reg. No. (0085297)
Assistant Athens County Prosecuting Attorney

STATE OF OHIO, ATHENS COUNTY
I, THE UNDERSIGNED, HEREBY
CERTIFY THE FOREGOING AS A
TRUE COPY OF THE ORIGINAL
16 DAY OF Dec 2012
CLERK/DEPUTY: 

cc: City of Athens
Mayor Paul Wiehl
8 East Washington Street
Athens, OH 45701

Delmer E. Hicks
Jane Doe, Unknown Spouse if any
of Delmer E. Hicks
5501 Gallia Street
P.O. Box 1068
Portsmouth, OH 45662
DEFENDANTS

20120006898
Filed for Record in
ATHENS COUNTY, OHIO
JESSICA MARKINS, RECORDER
12-13-2012 At 09:34 am.
JUDGE ENTRY 60.00
DR Book 479 Page 1608 - 1612

20120006898
LISA ELIASON
PICK UP

Agnes Hicks
John Doe, Unknown Spouse
if any of Delmer E. Hicks
5501 Gallia Street
P.O. Box 1068
Portsmouth, OH 45662
DEFENDANTS

Bethany J. Hamilton, Esq.
Assistant United States Attorney
303 Marconi Blvd., Suite 200
Columbus, Oh 43215
ATTORNEY FOR DEFENDANT

KELLER J. BLACKBURN
Athens County Prosecuting Attorney
Courthouse • Athens, Ohio 45701 • 740-592-3208

RECEIVED
APR 04 2012
CITY OF ATHENS

FILED
ATHENS COUNTY, OHIO

NOV 14 2012

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

Arthur, CLERK
OF COMMON PLEAS COURT

Book Page
479 1610
Instrument
201200006892 OR

Javon Kittle-Cooper
Athens County Treasurer

Plaintiff

vs.

Delmer E. Hicks, et al.,

Defendants.

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Case No. 11CI0183

JUDGE L. ALAN GOLDSBERRY

PETITION

Now comes the City of Athens and hereby Petitions the Court pursuant to
Ohio Revised Code 5723.01(A)(3), for forfeiture to the City of Athens the following
described real estate:

Situated in the City of Athens, State of Ohio, and being in lots numbered 3085 and 3086 in
Terrace Heights Subdivision of the City of Athens, Ohio.

Last Reference: Volume 175 Page 20, Official Records of Athens County, Ohio
Parcel ID Nos. A02-82000050-00 (Lot 3085) and Parcel ID No. A02-82000051-00 (Lot
3086)

*NOTE - On the Deed referenced above, there is a deed restriction that no intoxicating liquor
shall be manufactured or sold for consumption on said premises.

CITY OF ATHENS

BY:

Saula Horan Moseley

RECORD OF ORDINANCES

Document 201200006898 OR Book Page 479 1611

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6220

Ordinance No. 0-104-12

Passed

October 15, 2012

Introduced by Chris Fahl, Chair
Planning & Development Committee

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY AT 83 COLUMBUS ROAD; AND DECLARING AN EMERGENCY.

WHEREAS, due to a delinquent tax foreclosure action, this property has been twice offered for sale and not sold for want of a bidder; and

WHEREAS, the Court of Common Pleas offers to forfeit said property to the City of Athens, the political subdivision in which the property is located; and

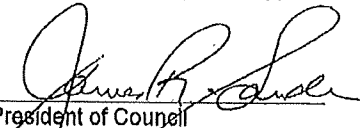
WHEREAS, if the City of Athens does not petition the Court pursuant to ORC 5723.01(A)(3), the Court shall forfeit the property to the State of Ohio; and

WHEREAS, it is in the best interest of the residents of the City of Athens that every possible effort be made to support the Wellhead Protection Ordinance and protect the wellfield and buffer zone;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

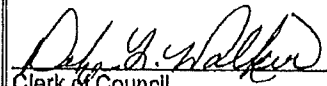
SECTION I: The Service-Safety Director is hereby authorized to acquire the legal rights to property located at 83 Columbus Road (former Buy Low), and is further authorized to petition the Court pursuant to Ohio Revised Code 5723.01(A)(3), for forfeiture to the City of Athens the described real estate, a copy of the plat is hereby attached and incorporated herein by reference.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the City of Athens well fields and in order to meet acquisition deadlines, and that it shall be in full force and effect upon its passage and approval by the Mayor.

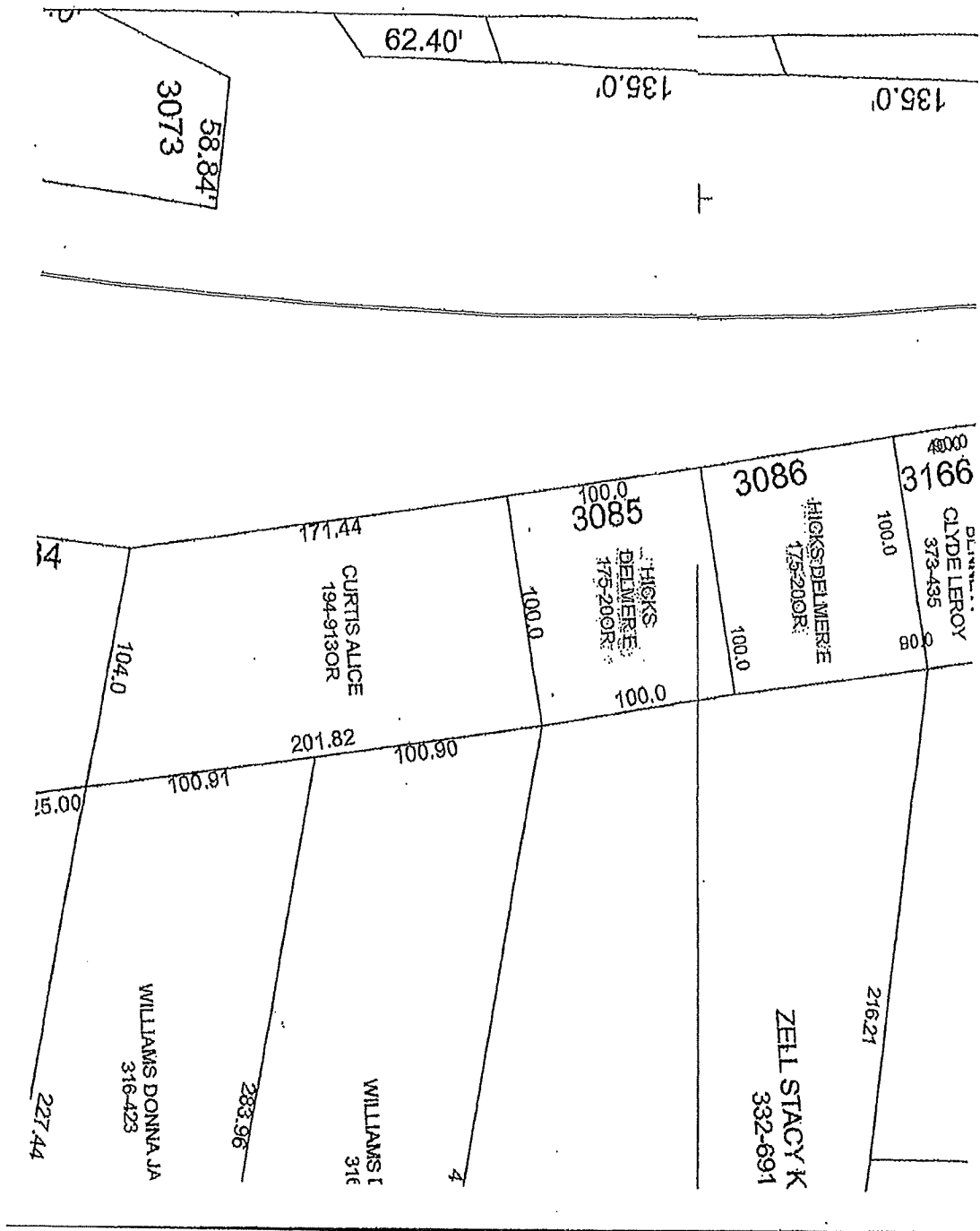

President of Council

ATTEST:

APPROVED:


Clerk of Council


Mayor



0-20-24

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE ACCEPTING PERMANENT BIKE PATH AND UTILITY RIGHT-OF-WAY EASEMENTS FROM THE ATHENS COUNTY PUBLIC LIBRARIES.

WHEREAS, Ordinance 61-23 authorized the Mayor to convey a .395-acre City - owned parcel of land to the Athens County Public Libraries, with the understanding that said easements would be granted to the City;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Athens City Council does hereby accept permanent bike path and utility easements from the Athens County Public Libraries, copies of said easements, legal description and plat are attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

BIKE PATH EASEMENT

Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15 ("Grantor"), for valuable consideration received, hereby grants to the **City of Athens, Ohio** ("Grantee") a perpetual, non-exclusive easement over, across, and through the following described land of Grantor (the "Easement Area"):

See attached description and plat, incorporated herein by this reference.

Subject to easements, rights of way, reservations, restrictions, conditions, covenants, and leases of record.

Last Transfer: Volume 606, Page 464 and Volume 606, Page 468, Official Records of Athens County, Ohio.

This Bike Path Easement is given as a permanent easement to Grantee for the bike path permitted by the State of Ohio Easement between the State of Ohio and Grantee recorded in Volume 452, Page 1131, Official Records of Athens County, Ohio (the "Original Easement"), and is intended to encumber only so much of the real property described in the Original Easement as is now owned by Grantor pursuant to the instruments of Last Transfer referenced above.

Use of Premises. This easement shall be used solely to install, construct, reconstruct, use, operate, maintain, repair, replace, remove, service, and improve in, on over, under, across, through, and upon the Easement Area an asphalt Bike Path (the "Improvement").

Maintenance. If the surface of the ground in the Easement Area is disturbed at any time, Grantee shall provide necessary, fill, re-sod or re-seed any grassed areas, and make such repairs and replacement for a period of not later than one (1) year after the date of such disturbance as may be needed to restore the ground to its former condition or pay Grantor for all damages caused thereto. Grantee shall have the obligation at its cost to maintain and repair the Improvement on a continuous and ongoing basis, which maintenance and repairs shall be performed in a good and workmanlike manner to protect the safety and aesthetics of the Improvement.

Liability. Grantee shall protect, indemnify, and hold Grantor harmless, so far as permitted by Ohio law, from any claims, demands, causes, actions, and damages arising out of any act, omission, or neglect by Grantee or any of its successors, assigns, agents, servants, employees, contractors, subcontractors, and invitees ensuing from or in connection with Grantee's occupation and use of the Improvement or the Easement Area. Nothing contained herein shall be deemed to be a waiver by Grantor of any legal or factual defenses which Grantor may enjoy.

Mechanic's Liens. Grantee shall not allow any liens or encumbrances to be filed against the Easement Area or Grantor's property, or any portion thereof. If such a lien or encumbrance is placed of record against the Easement Area or Grantor's property, or any portion thereof, Grantee shall, within thirty (30) days after receiving notice thereof, remove or discharge the same or bond off such lien or encumbrance.

Assignment. This Bike Path Easement may not be assigned or transferred, in whole in part, by Grantee without the prior consent of Grantor, which consent may be withheld for any reason. Should consent to any such assignment be granted, such assignment or transfer shall not relieve Grantee of its obligations and duties under the terms, covenants, and conditions of this Bike Path

Easement. Any assignee shall expressly assume, and by reason of such assignment or transfer shall be deemed as having assumed, all of the obligations and duties of Grantee hereunder.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

EXECUTED this _____ day of _____, 2023.

Athens County Public Libraries

By: C. Nicholas Tepe, Director

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by C. Nicholas Tepe, Director of Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15.

Notary Public

(seal)
My commission expires:

City of Athens, Ohio

By:

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before this ____ day of _____, 2023 by _____, _____ of the City of Athens, Ohio.

Notary Public

(seal)
My commission expires:

THIS INSTRUMENT PREPARED BY:

David J. Mott, Attorney at Law
MOLICA GALL SLOAN & SILLERY CO. LPA
35 North College Street
Athens, Ohio



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description "Bike Path Easement"

Situated in the City of Athens, County of Athens, State of Ohio, and being a part of Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more being more particularly described as follows;

Being a Survey of a "Bike Path Easement" across a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, and across a 2.725 acre parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, in the Athens County Deed Records, and further described as follows;

Commencing at for reference at the Northwest corner of Farmlot 27;

Thence, S 03°02'36" W 3257.33 feet with the West line of Farmlot 27, to a 5/8" o.d. iron pin found at the intersection of the East Right of Way Line of Home Street (50' Wide R/W) and the South Right of Way Line of Lincoln Street (50' Wide R/W);

Thence, S 03°02'36" W 11.88 feet continuing with the East Right of Way line of Home Street (undeveloped), to a point, and being the PRINCIPLE PLACE OF BEGINNING of the "Bike Path Easement" herein to be described;

Thence with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, with the following two (2) courses and distances:

- 1) S 25°15'48" E 47.51 feet to a point;
- 2) S 03°02'36" W 354.57 feet to a point on the South line thereof;

Thence, S 81°05'25" W 15.33 feet to a point;

Thence with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, with the following two (2) courses and distances:

- 3) N 03°02'36" E 353.96 feet to a point;
- 4) N 25°15'48" W 15.88 feet to a point on the West line of said 2.725 Acre parcel, and being on the East Right of Way line of said Home Street;

Thence, N 03°02'36" E 31.63 feet with the East Right of Way Line of Home Street, to the PRINCIPLE PLACE OF BEGINNING, and containing 0.133 Acres in the "Bike Path Easement" herein to be described, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

The bearings of the above description are based on the East Right of Way Line of Home Street (50' Wide R/W), as being N 03°02'36" E, and is an assumed Meridian used to denote angles only..

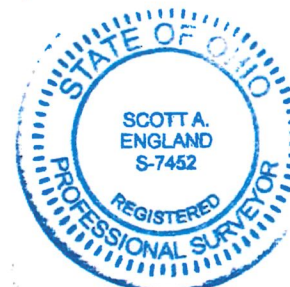
All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in November of 2022.

Dated 3/20/23

Job No. 3992-22AT-BikePathEasement


Scott A. England P.S.
Ohio Registered Surveyor #7452



RIGHT-OF-WAY EASEMENT

Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15 (“Grantor”), for valuable consideration received, hereby grants to the **City of Athens, Ohio** (“Grantee”) a perpetual easement with the right to erect, construct, install, and lay, and thereafter use, operate, inspect, repair, maintain, replace, and remove a water pipe line, valves, meters, and a sanitary sewer line together with other necessary equipment over, across, and through the following described land of Grantor:

See attached description and plat, incorporated herein by this reference.

Subject to easements, rights of way, reservations, restrictions, conditions, covenants, and leases of record.

Last Transfer: Volume 606, Page 464 and Volume 606, Page 468, Official Records of Athens County, Ohio.

Grantee shall also have the right of ingress and egress, for the purpose of this easement, over the adjacent lands of Grantor as described in the deeds to Grantor recorded in Volume 606, Page 464, Official Records of Athens County, Ohio and in Volume 606, Page 468, Official Records of Athens County, Ohio.

This Right-of-Way Easement is given in furtherance of that Right-of-Way Easement in favor of Grantee recorded in Volume 353, Page 421, Deed Records of Athens County, Ohio (the “Original Easement”), and is intended to encumber only so much of the real property described in the Original Easement as is now owned by Grantor pursuant to the instruments of Last Transfer referenced above.

In consideration of this grant, Grantee agrees to restore said premises in the approximate prior condition after laying, repairing, or maintaining said water lines and sewer lines and agrees to compensate Grantor for all damages caused by virtue thereof. Grantee covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of Grantor, its successors and assigns.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

EXECUTED this _____ day of _____, 2023.

Athens County Public Libraries

By: C. Nicholas Tepe, Director

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by C. Nicholas Tepe, Director of Athens County Public Libraries, a statutory school district free public library formed and operating under R.C. 3375.15.

Notary Public

(seal)

My commission expires:

City of Athens, Ohio

By:

STATE OF OHIO, COUNTY OF ATHENS, SS:

The foregoing instrument was acknowledged before this ____ day of _____,
2023 by _____, _____ of the City of Athens, Ohio.

Notary Public

(seal)

My commission expires:

THIS INSTRUMENT PREPARED BY:

David J. Mott, Attorney at Law
MOLICA GALL SLOAN & SILLERY CO. LPA
35 North College Street
Athens, Ohio



S.A. ENGLAND SURVEYING

Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-323-0644

Fax: 740-323-0272

Ohio Phone: 1-800-551-5844

Legal Description "Utility Easement"

Situated in the City of Athens, County of Athens, State of Ohio, and being a part of Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company's Purchase, and being more being more particularly described as follows;

Being a Survey of a "Utility Easement" across a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, and across a 2.725 acre parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, in the Athens County Deed Records, and further described as follows;

Commencing at for reference at the Northwest corner of Farmlot 27;

Thence, S 03°02'36" W 3257.33 feet with the West line of Farmlot 27, to a 5/8" o.d. iron pin found at the intersection of the East Right of Way Line of Home Street (50' Wide R/W) and the South Right of Way Line of Lincoln Street (50' Wide R/W), and being the **PRINCIPLE PLACE OF BEGINNING** of the "UTILITY EASEMENT" herein to be described;

Thence, S 86°44'17" E 15.00 feet with the South Right of Way Line of Lincoln Street, the same being the North line of said 2.725 Acre parcel, to a point;

Thence, S 03°02'36" W 409.81 feet with a line across said 2.725 Acre parcel and said parcel conveyed to The City of Athens, to a point;

Thence, S 81°05'25" W 15.33 feet to a 5/8" o.d. iron pin found on the East Right of Way Line of Home Street (undeveloped);

Thence, N 03°02'36" E 413.05 feet with the East Right of Way Line of Home Street, to the **PRINCIPLE PLACE OF BEGINNING**, and containing 0.142 Acres in the "UTILITY EASEMENT" herein to be described, and is subject to all legal easements, right of ways, zoning restrictions, and ordinances of record.

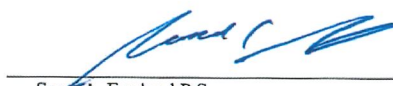
The bearings of the above description are based on the East Right of Way Line of Home Street (60' Wide R/W), as being N 03°02'36" E, and is an assumed Meridian used to denote angles only..

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England Surveying, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in November of 2022.

Dated 3/21/23

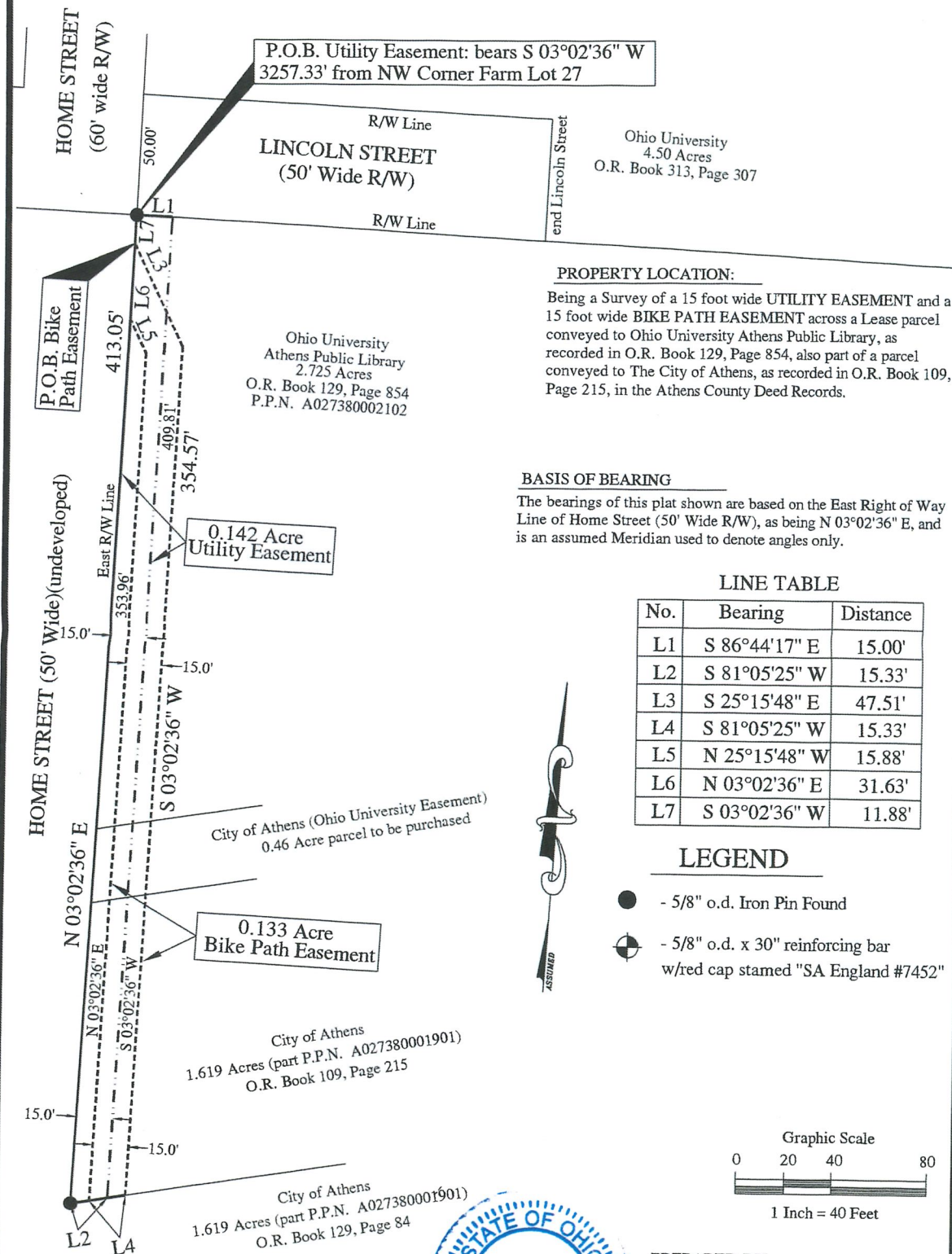
Job No. 3992-22AT-UtilityEasement


Scott A. England P.S.
Ohio Registered Surveyor #7452



Plat of Easements

City of Athens, County of Athens, State of Ohio, part Farm Lot 27 in Section 4, Township 9N, Range 14W, of the Ohio Company's Purchase



PROPERTY LOCATION:

Being a Survey of a 15 foot wide UTILITY EASEMENT and a 15 foot wide BIKE PATH EASEMENT across a Lease parcel conveyed to Ohio University Athens Public Library, as recorded in O.R. Book 129, Page 854, also part of a parcel conveyed to The City of Athens, as recorded in O.R. Book 109, Page 215, in the Athens County Deed Records.

BASIS OF BEARING

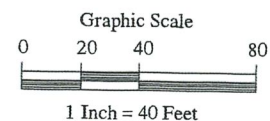
The bearings of this plat shown are based on the East Right of Way Line of Home Street (50' Wide R/W), as being N 03°02'36" E, and is an assumed Meridian used to denote angles only.

LINE TABLE

No.	Bearing	Distance
L1	S 86°44'17" E	15.00'
L2	S 81°05'25" W	15.33'
L3	S 25°15'48" E	47.51'
L4	S 81°05'25" W	15.33'
L5	N 25°15'48" W	15.88'
L6	N 03°02'36" E	31.63'
L7	S 03°02'36" W	11.88'

LEGEND

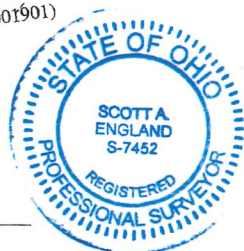
- - 5/8" o.d. Iron Pin Found
- ⊕ - 5/8" o.d. x 30" reinforcing bar w/red cap stamed "SA England #7452"



I hereby certify that an actual survey of the premises was made, and that this plat is correct to the best of my knowledge.

Dated 3/20/14

Scott A. England, P.S.
Ohio Registered Surveyor #7452



PREPARED BY:

S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
email: saengland@surveyohio.com

0-10-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO CONTRACT(S) FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE CITY SEWER SYSTEM IMPROVEMENTS, PROJECT #330; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance, 0-130-23 is hereby amended by appropriating from the unappropriated balance the sum of ~~One Million Seven Hundred Thousand Dollars (\$1,700,000.00)~~ **Two Million One Hundred Seven Thousand Three Hundred Fifty Dollars (2,107,350.00)** to Sewer Fund, Plant 750.637, T.C. 500, and increasing the appropriations by said amount.

SECTION II: The Service-Safety Director is hereby authorized to expend up to ~~One Million Seven Hundred Thousand Dollars (\$1,700,000.00)~~ **Two Million One Hundred Seven Thousand Three Hundred Fifty Dollars (2,107,350.00)** from Sewer Fund, Plant, 750, T.C. 500, for said Project #330.

SECTION III: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order that bids can be accepted as soon as the City receives OEPA approval to do so, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-24-24

Introduced by Alan Swank, Chair
Planning & Development Committee

AN ORDINANCE APPROVING THE UNNAMED RIGHT OF WAY ON HERROLD AVENUE TO BE NAMED DAVISON COURT.

WHEREAS, Andrew Jackson Davison, born into slavery, was the first Black attorney in Athens County; and

WHEREAS, Andrew Jackson Davison married Eliza Brown, a Virginia slave who self-emancipated in 1863 into the military encampment of General George Armstrong Custer, and was known for her brave and selfless actions during the Civil War, and after the war was employed as a housekeeper for the Custers; and

WHEREAS, Andrew and Eliza Davison lived in Athens at 159 Dean Street, now known as Washington Street; and

WHEREAS, Andrew Jackson and Eliza Brown Davison are significant citizens in the story of Athens, and representative of Athens' Black heritage;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The unnamed right of way on Herrold Avenue is hereby approved to be named Davison Court, as described on the map attached hereto and incorporated herein by reference.

SECTION II: This Ordinance shall be in effect and full force upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

O.L. 188

REV. BY	DATE	DESCRIPTION
HTM	6-10-22	REVISED HEROLD ALLOWMENT
HTM	1-28-22	REMOVE 17-71, REVISE 17-80
HTM	11-5-21	REVISED 17-71
DATE COMPLETED		

RIGHT OF WAY BOUNDARY SHEET
STA. 16+90 TO STA. 22+00

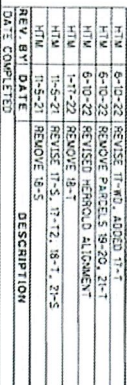
R/W DESIGNER	HTM
R/W REVIEWER	RCC

PID NO.
108672

HORIZONTAL
SCALE IN FEET



LEAD-INS
POB 17-T BEARS S15°06'04"E 216.63' FROM THE SW CORNER
OF LOT 878 OF JOHN GLEASON'S DIVISION OF CUTOLOTS
POB 21-S BEARS S12°44'25"E 254.86' FROM THE SW CORNER
OF LOT 878 OF JOHN GLEASON'S DIVISION OF CUTOLOTS



		PID NO. 108672	1/2" GRADE 1/4" HWM	RIGHT OF WAY BOUNDARY SHEET STA. 22+00 TO STA. 24+26.81		36' / 38'	
			1/2" REVENUE 1/4" RCC			ATH-W. UNION ST.	

0-25-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AMENDING ORDINANCE 62-23; AUTHORIZING PRELIMINARY ENGINEERING SERVICES FOR THE STATE ROUTE 682/56 INTERSECTION IMPROVEMENTS, PROJECT (#357).

WHEREAS, a safety study was completed for this project (funded by ODOT);
and

WHEREAS, the City was awarded \$1,395,589 in ODOT Safety Program funds to construct a single lane roundabout; **and**

WHEREAS, the construction cost estimate after the completed Stage I design is approximately \$3.7 million; and

WHEREAS, the City Administration is directing the design firm to expand the project scope to include select improvements to SR682 north of the intersection to the city limits in support of traffic, and bike and pedestrian safety, additions that will increase the construction cost estimate; and

WHEREAS, the City Administration will implore ODOT to significantly increase the award of outside funding to address the various needs and higher costs;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: Sections II and III of Ordinance 62-23 are hereby amended to read as follows:

Section II: The 2023 Appropriation Ordinance 155-22 is hereby amended by appropriating from the unappropriated balance the sum of ~~Three Hundred Fifty Thousand Dollars (\$350,000.00)~~ **Seven Hundred Fifty Thousand Dollars (\$750,000.00)** to Street Rehabilitation Fund, 572, T.C. 500, and increasing the total appropriations by said amount.

Section III: The Service-Safety Director is further authorized to expend up to ~~Three Hundred Fifty Thousand Dollars (\$350,000.00)~~ **Seven Hundred Fifty Thousand Dollars (\$750,000.00)** from Street Rehabilitation Fund, 572, T.C. 500, for said Project (#357).

SECTION II: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-26-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING ATHENS CITY CODE, TITLE 17, MUNICIPAL INCOME TAX, CHAPTER 17.01, [IN GENERAL], SECTIONS 17.01.011(B), AUTHORITY TO LEVY TAX, AND 17.01.012, PURPOSES OF TAX; RATE; AND CHAPTER 17.01.09, ANNUAL RETURN, SECTION 17.01.091(A)(1), RETURN AND PAYMENT OF TAX.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO;

SECTION I: Athens City Council hereby amends Athens City Code, Title 17, Municipal Income Tax, Chapter 17.01, [In General], Sections 17.01.011(B), Authority to Levy Tax, and 17.01.012, Purposes of Tax; Rate; and Chapter 17.01.09, Annual Return, Section 17.01.091(A)(1), Return and Payment of Tax, to read as follows:

Title 17, Municipal Income Tax, Chapter 17.01, In General, Section 17.01.012, Purposes of Tax; Rate.

Chapter 17.01. – [In General]

17.01.011. - Authority to levy tax.

(B) The ~~annual~~ tax is ~~levied at a uniform rate on all persons~~ an annual tax levied on the income of every person residing in or earning or receiving income in the City of Athens. and shall be measured by municipal taxable income. The City of Athens shall tax income at a uniform rate. The tax is levied on municipal taxable income, as defined herein.

(C) The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits of business, professions or other activities earned on or after January 1, 2016. The prevailing income tax rate for the tax year being filed shall be levied, collected and paid with respect to: all prizes, awards and winnings of residents of the city derived from gaming, wagering, sweepstakes and games of chance; all prizes, awards and winnings of non-residents derived from gaming, wagering, sweepstakes and games of chance related to the winning of such income within the city; and all prizes, awards and winnings paid to residents of the city by the State Lottery Commission as hereinafter provided in this section of this chapter and other sections as they may apply.

17.01.012. - Purposes of tax; rate.

To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital

improvements of the City of Athens, there shall be, and is hereby levied a tax on salaries, wages, commissions and other compensation, and on net profits as hereinafter provided. Effective January 1, 2016, the tax shall be levied at a rate of 1.65 percent. Effective January 1, 2017, the tax shall be levied at a rate of 1.85 percent. Effective January 1, 2023, the tax shall be levied at a rate of 1.95 percent.

17.01.091. - Return and payment of tax.

(A)(1) An annual return with respect to the income tax levied on municipal taxable income by the City of Athens shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is subject to the tax, subject to Divisions (A)(2) and (A)(3) of this section, regardless of whether or not income tax is due.

(2) (a) Any resident or nonresident taxpayer whose sole income subject to tax by the City of Athens is qualifying wages, and tax has been fully withheld on those wages, is exempt from filing an annual income tax return with the City of Athens.

(b) The tax administrator shall accept a return filed by an employer, agent of an employer, or other payer located in the City of Athens for all residents and nonresidents that meet the exemption in Division (2)(a).

(3) All resident individual taxpayers, 18 years of age and older, shall file an annual municipal income tax return with the City of Athens, regardless of income or liability, unless exempted under [Division] (A)(2) of this section.

SECTION II: This Ordinance shall be in full force and effect at the earliest moment permitted by law upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-27-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23.

WHEREAS, the Ohio Constitution establishes the legislative, executive, and judicial branches of government; and,

WHEREAS, the judiciary is a separate and co-equal branch of government, with separate and distinct powers and responsibilities; and

WHEREAS, the 2020 *Ohio Judicial Conference Budget Resource Handbook for Ohio Judges and Their Funding Authorities* stipulates that “case law states that Ohio courts have the inherent power to issue an order requiring the funding authority to pay for the reasonable and necessary expenses of operating the courts and that it may not impede a court’s business by refusing reasonable funding requests. The determination of what is a reasonable and necessary funding request rests solely with the court and the other branches of government may not substitute their judgment for that of the court. Requests for funding from courts are presumptively reasonable and valid. The funding authority may only refuse to fund a court’s request if the funding authority can demonstrate that the order constitutes an abuse of discretion and is unreasonable. Even if the court’s request would work a hardship or burden on other offices or agencies, the funding authority must comply with the order if the funding request is reasonable;” and

WHEREAS, the Ohio Supreme Court has held that the public interest is served when courts cooperate with their funding authorities, and despite the Athens Municipal Court’s increasing budget requests from the City of Athens General Fund; and despite significant concerns regarding the unappropriated balance in the General Fund, all concerned must be aware of the pressures and demands for general funds, and work cooperatively;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The City Council finds the Court’s funding request to be reasonable and does hereby amend the 2024 Appropriation Ordinance 130-23 by appropriating from the unappropriated balance the sum of One Hundred Fifteen Thousand Dollars (\$115,000.00), to General Fund, Municipal Court, 101.106, T.C. 100, and increasing the total appropriations by said amount.

SECTION II: The 2024 Appropriation Ordinance 130-23 is further amended by decreasing Diversion Fund, 232, T.C. 100, by Forty-Four Thousand Nine Hundred Dollars (\$44,900.00), and decreasing DUI Court Fund, 237, T.C. 100, by Sixty-Six

Thousand Five Hundred Dollars (\$66,500.00), and decreasing the total appropriations by said amounts.

SECTION III: This Ordinance shall be in effect and full force upon passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-28-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE AMENDING THE 2024 APPROPRIATION ORDINANCE 130-23;
AND AUTHORIZING AN INTERFUND TRANSFER.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by
by appropriating from the unappropriated balance the sum of One Hundred Thousand
Dollars (\$100,000.00) to General Fund, 101, T.C. 300, for payment of 2024 Bureau of
Workers' Compensation (BWC) invoices.

SECTION II: The 2024 Appropriation Ordinance 130-23 is further amended by
decreasing ARPA Fund, 286, T.C. 500, by One Hundred Forty Thousand Dollars
(\$140,000.00), and increasing ARPA Fund, 286, T.C. 600, for transfer, by same
amount, and increasing and decreasing said appropriations by said amount.

SECTION III: The Auditor is hereby authorized to make the following interfund
transfer:

FROM	TO	AMOUNT
ARPA Fund, 286	ACIC Fund, 906	\$160,432.70

SECTION IV: This Ordinance shall be in effect and full force upon passage and
approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-29-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

AN ORDINANCE APPROVING A THEN-AND-NOW CERTIFICATE FOR PAYMENT TO BIS DIGITAL; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: A Then-and-Now Certificate in the amount of Three Thousand Three Hundred Fifty-Eight Dollars (\$3,358.00) to BIS Digital for a digital recording system maintenance contract is hereby approved for payment.

SECTION II: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Athens, Ohio, in order to maintain fiscal integrity, and it shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

0-30-24

Introduced by Solveig Spjeldnes, Chair
Transportation Committee

AN ORDINANCE AMENDING ORDINANCE 65-23; AUTHORIZING ENGINEERING SERVICES FOR REHABILITATION OF THE STIMSON AVENUE BRIDGE, PROJECT (#358).

WHEREAS, the City was awarded \$3,292,795 from the ODOT Local Major Bridge Program funds to rehabilitate the Stimson Avenue Bridge; and

WHEREAS, after a more detailed review of the costs involved, the City has been awarded an additional \$1,422,590 from ODOT; and

WHEREAS, said rehabilitation includes a new concrete deck, approach slab replacement, rocker replacement, steel painting, and street lighting improvements;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: The 2024 Appropriation Ordinance 130-23 is hereby amended by appropriating from the unappropriated balance the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) to Street Rehabilitation Fund, 572, T.C. 500, and increasing the total appropriations by said amount.

SECTION II: Section III of Ordinance 65-23 is hereby amended to read as follows:

Section III: The Service-Safety Director is further authorized to expend up to ~~Four Hundred Fifty Thousand Dollars (\$450,000.00)~~ **Five Hundred Eighty Thousand Dollars (\$580,000.00)** from Street Rehabilitation Fund, 572, T.C. 500, for said Project (#358).

SECTION III: This Ordinance shall be in full force and effect upon its passage and approval by the Mayor.

President of Council

ATTEST:

APPROVED:

Clerk of Council

Mayor

R-03-24

Introduced by Jeff Risner, Chair
Finance & Personnel Committee

A RESOLUTION REQUESTING ALL ELECTED OFFICIALS INSTITUTE A HIRING FREEZE FOR POSITIONS FUNDED BY THE CITY'S GENERAL FUND UNTIL A POSITION REVIEW HAS TAKEN PLACE.

WHEREAS, to prevent our General Fund balance from dropping below our Cash Balance Policy minimum, vacant positions in the General Fund should be carefully reviewed prior to filling in order to alleviate any need for a reduction in force, while at the same time recognizing that some vacant positions will, by necessity, be advertised and filled;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATHENS, OHIO:

SECTION I: City Council hereby requests all elected officials institute a hiring freeze for positions funded by the City's General Fund until a position review has taken place. This policy shall remain in effect until December 31, 2024.

SECTION II: This Resolution shall be in effect and full force upon its passage and approval by the Mayor.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor