



Regular Council Meeting
Wednesday, July 5, 2023 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation - Pastor Andy Fitzpatrick, Johnstown Independent Baptist Church
4. Pledge of Allegiance
5. Action on Minutes
 - a. April 18, 2023
6. Citizen comments on matters not on the agenda
7. Council Committee reports
 - a. **Planning & Zoning:** Met 6/27/23; Next 7/11/23 @ 6:30 pm Council Chambers
 - b. **Design Review Board:** Met 6/27/23; Next 7/11/23 @ 5:00 pm Council Chambers
 - c. **Safety & Service:** 7/5/23 cancelled; Next 8/1/23 @ 5:00 pm Admin conference room
 - d. **Finance:** 7/5/23 Special cancelled; Next 7/18 @ 5:00 pm Council Chambers
 - e. **Park & Rec:** Next 7/10/23 @ 1:00 pm Admin conference room
8. Director Reports
 - a. Service Departments: Water, Sewer, Street, Service Director
 - b. City Manager
9. Tabled Legislation
 - a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN. Tabled September 27, 2022
10. Public Hearings of Legislation
 - a. **ORDINANCE 11-2023** AN ORDINANCE AMENDING ORDINANCE 22-2022, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS. First Reading June 20, 2023
 - b. **ORDINANCE 12-2023** AN ORDINANCE AMENDING SECTIONS 191.012 (B), 191.04, 191.051 and 191.07 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TO INCREASE THE INCOME TAX RATE TO TWO AND ONE QUARTER PERCENT (2.25%) PER YEAR AND TO ENACT A CREDIT FOR TAXES PAID TO OTHER MUNICIPALITIES IN THE AMOUNT OF SEVENTY-FIVE PERCENT (75%) PER YEAR UP TO THE AMOUNT OF TAX ASSESSED BY THE CITY; TO PLACE THIS AMENDMENT BEFORE THE ELECTORS IN NOVEMBER OF 2023. First Reading June 20, 2023

- c. **RESOLUTION 2023-17** A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF JOHNSTOWN, AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, AN ORDINANCE TO AMEND SECTIONS 191.012(B), 191.04, 191.051 and 191.07. TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF ONE PERCENT (1.00%) TO A RATE OF TWO AND ONE QUARTER PERCENT (2.25%) FOR THE PURPOSES OF PUBLIC SAFETY, ECONOMIC DEVELOPMENT, OPERATIONS EFFICIENCIES AND CAPITAL IMPROVEMENTS AND RELATED COSTS; AND TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY TO SEVENTY-FIVE PERCENT (75%) FROM ZERO PERCENT (0.00%)
- d. **RESOLUTION 2023-18** RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 285.93 +/- ACRES OF LAND IN MONROE TOWNSHIP (LICKING COUNTY), OHIO IF ANNEXED TO THE CITY OF JOHNSTOWN, OHIO
- e. **RESOLUTION 2023-19** RESOLUTION TO APPROVE THE FINAL DEVELOPMENT PLAN FOR CONCORD CROSSING EAST PHASE 4
- f. **RESOLUTION 2023-20** RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF JOHNSTOWN AND SCHLABACH BUILDERS, LTD. FOR CONCORD CROSSING EAST

11. Introduction of Legislation

12. Other Business

13. Adjourn

Next Council Meeting July 18, 2023



Regular Council
Tuesday, April 18, 2023 - 6:30 PM
MINUTES

1. Call to Order

Mayor Donald Barnard called to Order the City of Johnstown Regular Council Meeting for April 18, 2023 at 6:34 PM.

2. Roll Call

Present - Mayor Donald Barnard, Jon Merriman, Nicole Shook, Bob Orsini, Charlie Campbell, Ryan Green

Absent - Sharon Hendren

Staff present - Sean Staneart - Acting City Manager, Jack Liggett - Service Director, Rusty Smart - Chief of Police, Thadeus Boggs - Frost Brown Todd, Ben Lee - Planning & Zoning, Teresa Monroe - Clerk of Council

Public present - Donna Dietzel Lavalley, Connie Ryan, Peggy Dehkth, Kevin Heckathorn, Wes Kobel, Terri Feters, Jamie Hartsough, Glenn Ronken, Jamie McNalley

3. Invocation - Pastor Kevin Heckathorn, Johnstown Presbyterian Church

4. Pledge of Allegiance

After the pledge, Mayor Barnard congratulated Councilman Green and his wife on expecting "Ryan Jr."

5. Citizen comments on matters not on the agenda

1. Connie Ryan

- Here with sister Terri Feters, said they are a part of the Longwell-Miles family. Stated that they were upset that the will of General Perry Miles is not being honored, that it is specific in the will that Johnstown should have gotten the Miles Estate property. Asked if city council could look at getting water and sewer to the property, they wonder if that could be a reason they didn't get it. Said they know the school is interested, Greater Johnstown Parks & Rec is interested, they would love the school to get some of it. They provided a packet of information to council members and expressed displeasure with how the property and estate had been managed.

Mayor Barnard said the city has a team and is working with lawyers, with the school district, the parks to help litigate this and have it work out in our best interest and win this case.

6. Council Committee reports

a. **Planning & Zoning:** Met 4/11/23; Next 4/25/23 @ 6:30 pm Council Chambers

Mr. Green said a new AirBnB was approved. A special meeting was added on Thursday, April 20th at 5:00 pm.

b. **Design Review Board:** 4/11/23 Cancelled; Next 5/9/23 @ 5:00 pm Council Chambers

c. **Safety & Service:** 4/4/23 Cancelled; Next 5/3/23 @ 5:00 pm Admin conference room

d. **Finance:** 4/18/23; Next 5/16/23 @ 5:00 pm Admin conference room

A short meeting on May 3rd scheduled ahead of the Safety & Service meeting.

Discussion in committee tonight on hiring a PR firm, they would handle the creation and distribution of information on behalf of the city as a consistent outreach to the community.

ACTION: Bob Orsini moved to authorize the city manager to contract with KWA public relations to include the creation and distribution of information on behalf of the city of Johnstown, at the approval of the city manager, for the term of six months at a cost of \$2,000 per month, with a termination clause of thirty days notice, to begin May 1, 2023. The cost to be covered by reappropriation of excess funds budgeted for the city manager position; Donald Barnard seconded and the vote was as follows:

AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green

NOES: None

ABSTAIN: None

Passed 6 - 0

Other discussions in committee were curbing at the Bell Store and the wage ordinance.

e. **Park & Rec:** Next 5/2/23 @ 1:00 pm Admin conference room

f. **Tree Commission:** Next 4/25/23 @ 5:00 pm Council Chambers

g. **Economic Development:** 4/18/23 @ 5:00 pm Council Chambers

The meeting took place on 4/17/23. Discussion on expanding the Food Truck Ordinance, the potential creation of a DORA and how other communities ran their programs.

h. Events Committee

Ben Lee present to provide updates.

At the 4th of July event, there will be some new options for food truck vendors, live entertainment and family-friendly games, various performances, as well as a bigger, better fireworks display.

The James Mobile Mammography Unit will be here, in the city municipal building parking lot, on June 28th from 9:00 am - 1:30 pm, appointments are available for those wanting to schedule.

Mayor Barnard asked if the Events Committee would be hosting another mental health roundtable. Mr. Lee said there is not anything on the books right now. The first year was mental health generally and suicide prevention, and last year's focus was stress & anxiety. Mr. Barnard said he believes it is important to continue this for the community. Mr. Lee said

he would bring the topic up in the next Events Committee meeting.

7. Director Reports

a. Police Chief

Chief Smart reviewed his report which was included in the public packet.

8. Tabled Legislation

- a. **ORDINANCE 17-2022** AN ORDINANCE ADOPTING WAGE AND SALARY STRUCTURES FOR THE CITY OF JOHNSTOWN. Tabled September 27, 2022
Finance Committee continues to review; remaining tabled for now.

9. Public Hearings of Legislation

- a. **ORDINANCE 06-2023** AN ORDINANCE AMENDING ORDINANCE 22-2022, THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS. Second Reading
Second reading. Mayor Barnard reviewed, no debate by council.

Public Hearing: There were no comments either for or against the legislation.

ACTION: Nicole Shook moved to approve; Donald Barnard seconded and the vote was as follows:

AYES: Nicole Shook, Bob Orsini, Jon Merriman, Ryan Green, Mayor Barnard, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 6 - 0

- b. **RESOLUTION 2023-10** A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR PLANNING SERVICES

Previously, council heard presentations by American Structure Point and MKSK on their city planning services. Sean Staneart asked council members for direction on who they would like to contract with. Council member Shook noted that it may be beneficial to stay with MKSK as they are already working on Johnstown's Comprehensive Plan. Council member Campbell said he gets a bit concerned when one company is doing a lot of work for them in many fields, that American Structure Point could give a "fresh look" or perspective. Mr. Staneart said he agrees that could be a concern but leans toward MKSK, not because anything is wrong with American Structure Point, but because we are in such a time crunch. Mayor Barnard said that is a valid point and to make sure they are watching that. Mr. Campbell said he truly trusts Sean and knows he will be aware of that and will make sure that happens.

ACTION: Nicole Shook moved to approve resolution 2023-10 authorizing the city

manager to enter into contract for planning services with MKSK; Charlie Campbell seconded and the vote was as follows:

AYES: Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Charlie Campbell, Nicole Shook

NOES: None

ABSTAIN: None

Passed 6 - 0

- c. **RESOLUTION 2023-11** AN ORDINANCE ESTABLISHING AND AMENDING CERTAIN FEES FOR PLANNING AND ZONING SERVICES PROVIDED BY THE CITY OF JOHNSTOWN AND SETTING ASIDE ALL OTHER FEES PREVIOUSLY ESTABLISHED. Mayor Barnard said the City of Johnstown is in a great spot, a lot of businesses will want to come here, any annexation services they want will incur cost for the city. There is no reason that the city should have to pay the majority of these costs for a new business or land to be annexed. There has been discussion on changing some fees to put this cost on the developers who want to come in. If they want to develop, they will have to pay, it will not be on the back of Johnstown citizens. Sean Staneart noted the city contract for planning services with MKSK and that they hope to recapture some of the costs the city will be paying. Bob Orsini added that these changes do not make it easier or change the process to be involved, get annexed, or come into the city, it only changes the fee structure. Council members discussed and edited some specific fees.

Mr. Boggs read the revisions to the Resolution as follows:

1. Variance for Single Family from \$500.00 plus cost of postage and advertising to \$250.00 plus cost of postage and advertising
2. Revise Curb Cuts for Single Family to \$50.00 or \$100.00 to Non-Single Family
3. Sidewalks to \$50.00 for Single Family or \$100.00 for Non-Single Family
4. Decks to \$50.00 for Single Family or \$200.00 for Non-Single Family
5. Sheds to \$50.00 for Single Family or \$200.00 for Non-Single Family
6. Reinspection, all types to \$75.00
7. Food Trucks to \$50.00 per day, eliminating monthly and annual fees

Public Hearing: There were no comments either for or against the legislation.

ACTION: Bob Orsini moved to adopt resolution 2023-11 as written with edits read; Mayor Barnard seconded and the vote was as follows:

AYES: Jon Merriman, Mayor Barnard, Ryan Green, Charlie Campbell, Nicole Shook, Bob Orsini

NOES: None

ABSTAIN: None

Passed 6 - 0

- d. **RESOLUTION 2023-12** A RESOLUTION IN SUPPORT OF THE 2023 JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT TAX LEVIES

It was noted that this levy is a renewal. No debate by council.

Public Hearing: There were no comments either for or against the legislation.

ACTION: Mayor Barnard moved to approve; Nicole Shook seconded and the vote was as follows:
AYES: Mayor Barnard, Ryan Green, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman
NOES: None
ABSTAIN: None

Passed 6 - 0

- e. **RESOLUTION 2023-13** A RESOLUTION IN SUPPORT OF THE 2023 MONROE TOWNSHIP FIRE TAX LEVY

No debate by council.

Public Hearing: There were no comments either for or against the legislation.

ACTION: Ryan Green moved to approve; Charlie Campbell seconded and the vote was as follows:
AYES: Ryan Green, Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard
NOES: None
ABSTAIN: None

Passed 6 - 0

10. Introduction of Legislation - None

11. Other Business

1. Sean Staneart said that Oliver Bigelow's broken headstone has been replaced, the old one is in the city street department. The Johnstown Historical Society has reached out and asked if they could have it. Mr. Staneart asked for council direction.

ACTION: Ryan Green moved to convey Oliver Bigelow's headstone on loan to the Johnstown historical society; Donald Barnard seconded and the vote was as follows:
AYES: Charlie Campbell, Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green
NOES: None
ABSTAIN: None

Passed 6 - 0

2. Bob Orsini said that with the approval to contract with the PR firm, he is going to try his best to come up with language for the rules of council on how they will engage and communicate.

Executive Session to consider confidential business information of an applicant for Economic

12. Development that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

ACTION: Donald Barnard moved to enter Executive Session to consider confidential business information of an applicant for Economic Development that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.; Bob Orsini seconded. Attendees to be members of Council, City Manager, Attorney Thad Boggs, New Albany Company and their attorney. The vote was as follows:

AYES: Nicole Shook, Bob Orsini, Jon Merriman, Mayor Barnard, Ryan Green, Charlie Campbell

NOES: None

ABSTAIN: None

Passed 6 - 0

Mayor Barnard said there would be no action to follow.

City Council entered Executive Session at 7:38 pm.
Return to Regular Session not noted.

13. Adjourn

With no further business, there was a first and second to adjourn, all were in favor.
The meeting adjourned approximately 10:00 pm

Next Council Meeting Wednesday May 3, 2023



June 2023

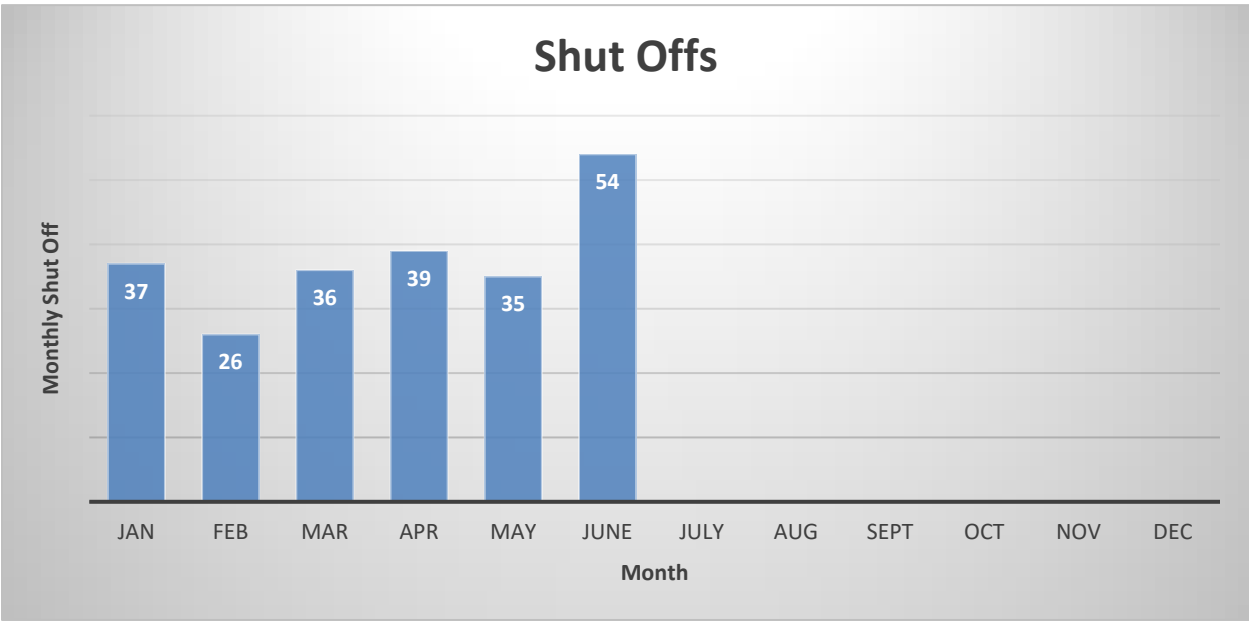
Water Council Report



Water Plant June 2023

- 1) As of June 29,2023, the flow is 20.176 MG.
- 2) There were 54 shut offs.
- 3) Worked on work-orders.
- 4) We mowed grass.
- 5) The Water Department had 1.5 hours of training.
- 6) Changed lime feeders, took #1 feeder out and put #2 lime feeder in service. We had to replace the vibrator motor on #1 feeder. Then we cleaned #1 feeder.
- 7) Worked on the E.P.A. Metrics Report.
- 8) Tim Perry worked 6 hours for the Street Department.
- 9) Submitted the 2022 CCR to the E.P.A.
- 10) Had Aqua Line Leak Detection Service come in and locate 2 water leaks.
- 11) The Water Department employees demonstrated a hand- held Ultrasonic flow meter, to check Plant flowmeters. It works on the effluent meter, but not on the influent meter. Not enough straight pipe to get a signal.
- 12) Met with Jacob's on July 27,2023 on the Water Plant up-date.

Thank you,
Terry Nichols
Chief Water Operator
City of Johnstown



Daily Plant Tap Test Results

Date	PH	Phenol Alkalinity	Total Alkalinity	Total Hardness	Plant Tap Cl2		
					Free	Total	Combined
Jun-01	8.08	0	54	150	0.99	1.09	0.10
Jun-02	8.04	0	54	148	0.88	0.94	0.06
Jun-03	8.27	0	53	146	0.90	0.95	0.05
Jun-04	8.20	0	52	142	0.78	1.06	0.28
Jun-05	8.07	0	55	148	0.95	1.07	0.12
Jun-06	8.11	0	55	147	0.98	1.07	0.09
Jun-07	8.20	0	53	145	0.96	1.01	0.05
Jun-08	8.20	0	54	145	0.96	1.06	0.10
Jun-09	8.17	0	53	145	1.15	1.21	0.06
Jun-10	8.13	0	53	147	1.01	1.07	0.06
Jun-11	8.33	0	52	142	0.91	0.99	0.08
Jun-12	8.13	0	55	148	1.08	1.14	0.06
Jun-13	8.04	0	54	145	1.11	1.17	0.06
Jun-14	8.07	0	55	148	1.08	1.13	0.05
Jun-15	8.09	0	54	148	1.03	1.11	0.08
Jun-16	7.92	0	54	150	1.09	1.13	0.04
Jun-17	8.25	0	53	145	0.93	1.02	0.09
Jun-18	8.26	0	53	145	1.01	1.07	0.06
Jun-19	8.36	0	65	156	1.03	1.11	0.08
Jun-20	8.14	0	55	147	0.94	1.01	0.07
Jun-21	8.36	0	70	175	1.05	1.10	0.05
Jun-22	8.15	0	58	148	0.93	1.02	0.09
Jun-23	8.16	0	57	152	1.01	1.09	0.08
Jun-24	8.22	0	59	152	0.93	0.97	0.04
Jun-25	7.90	0	52	146	0.99	1.16	0.17
Jun-26	8.26	0	58	153	0.97	1.08	0.11
Jun-27	8.15	0	53	147	0.94	0.99	0.05
Jun-28	8.17	0	57	150	0.96	1.05	0.09
Jun-29	8.09	0	55	150	1.01	1.14	0.13
Jun-30	8.19	0	55	152	0.96	1.04	0.08
Average	8.16	0	55	149	0.98	1.07	0.08

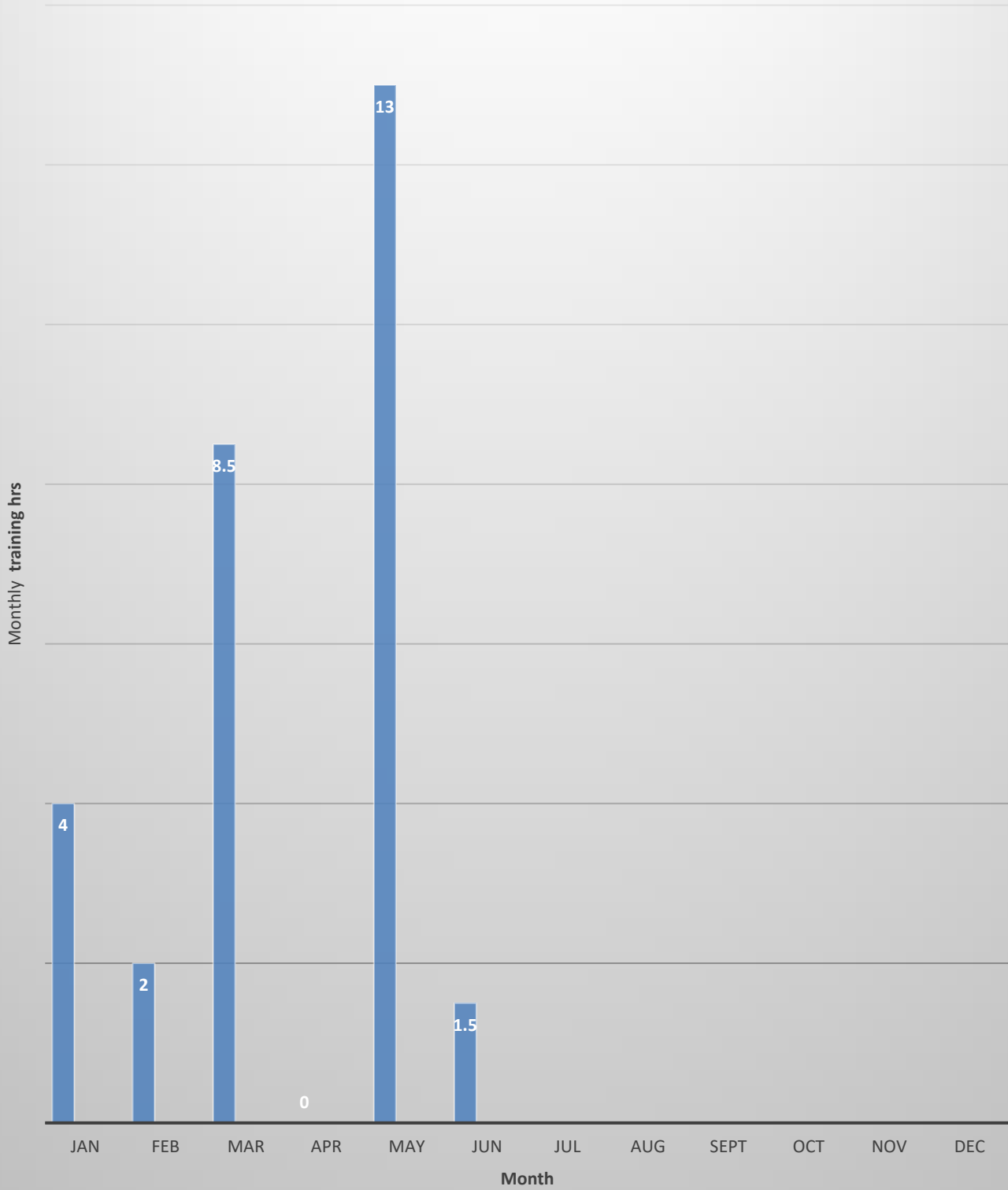
Total Alkalinity: 35-55 mg/L

Phenol Alkalinity: 0-2 mg/L

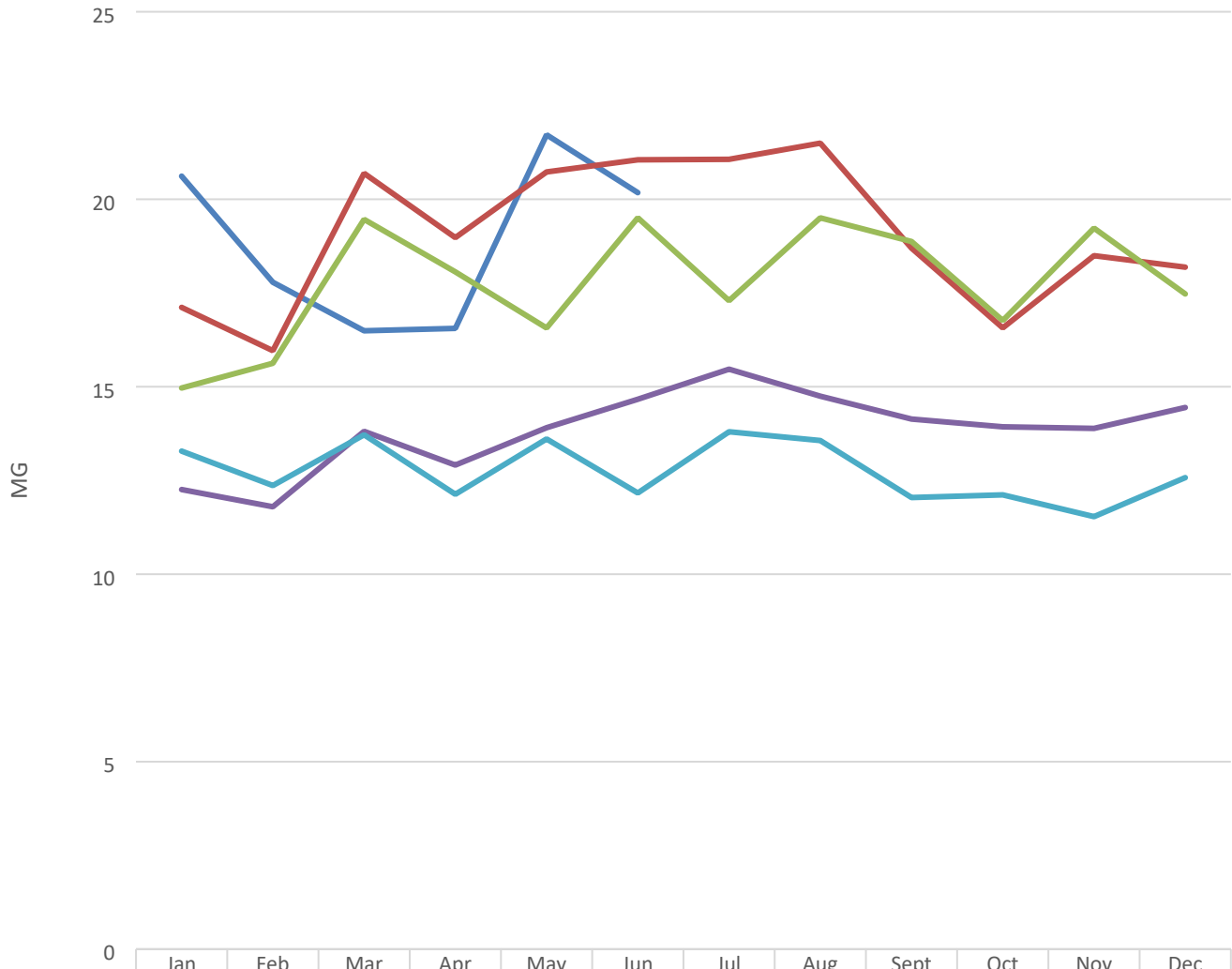
Hardness: 135 – 150 mg/L (Higher hardness is due to running # 2 L.S. well pulling water from deeper part of the aquifer)

Free Chlorine: 0.85-1.10 mg/L

Training Hours



Monthly Influent MG



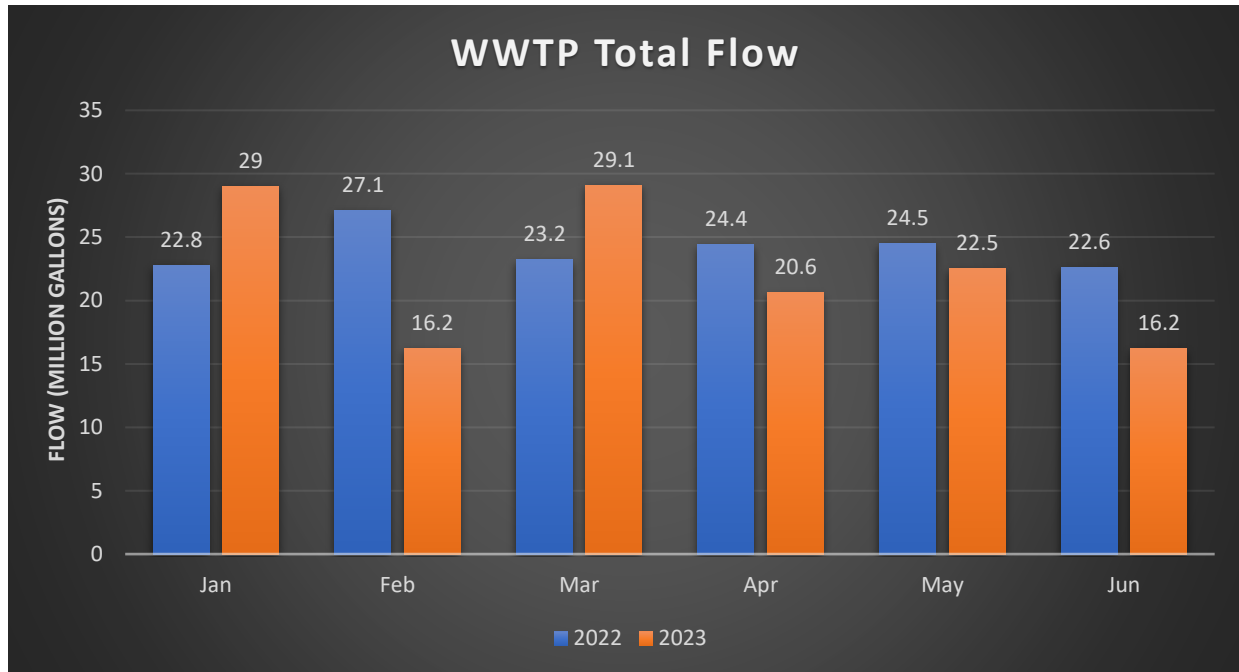
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2023	20.616	17.786	16.492	16.556	21.719	20.176						
2022	17.116	15.962	20.692	18.977	20.728	21.052	21.065	21.496	18.696	16.569	18.495	18.189
2021	14.966	15.626	19.463	18.063	16.567	19.506	17.295	19.504	18.873	16.765	19.23	17.475
2020	12.258	11.799	13.81	12.911	13.907	14.666	15.468	14.748	14.138	13.931	13.889	14.446
2019	13.283	12.365	13.718	12.132	13.607	12.167	13.799	13.565	12.045	12.116	11.536	12.576

Months

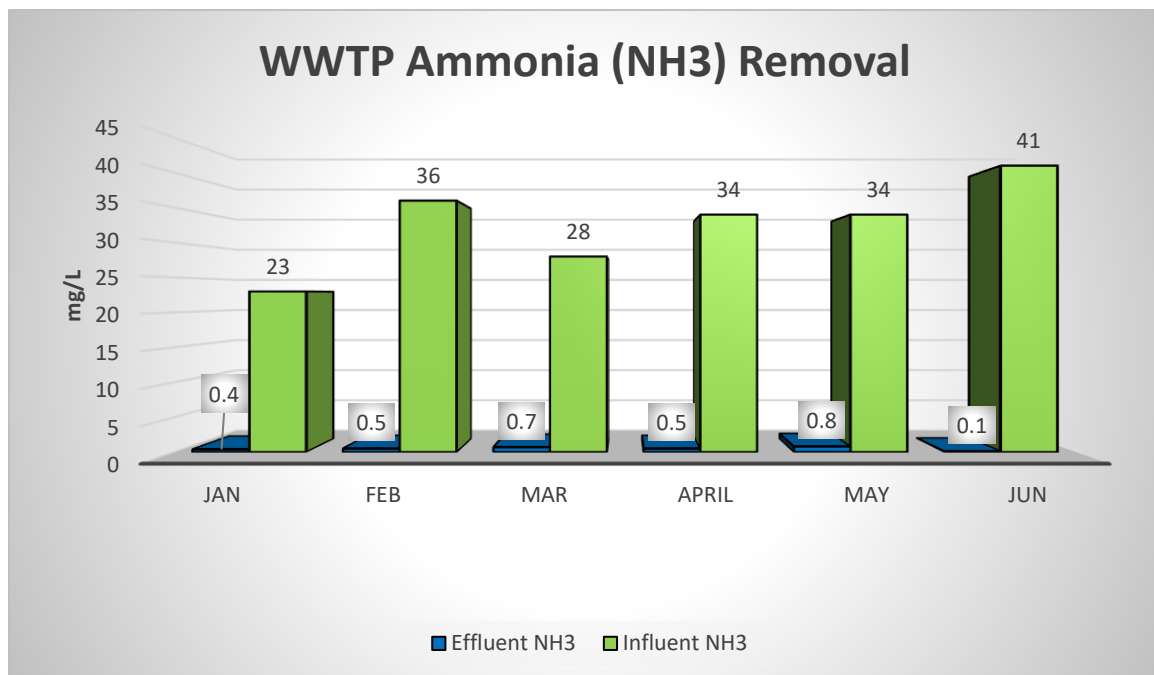


June 2023

Sewer Council Report



Plant Efficiency Charts

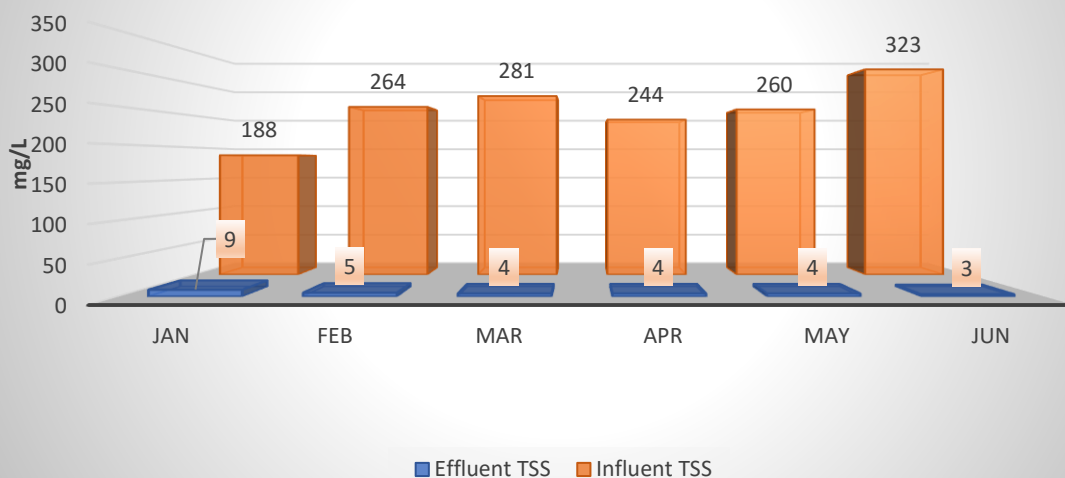


Average % of NH₃ removed for the month = **99%**

Discharge Limitations

Weekly- 3.9 mg/L
Monthly- 2.6 mg/L

WWTP Total Suspended Solids Removal

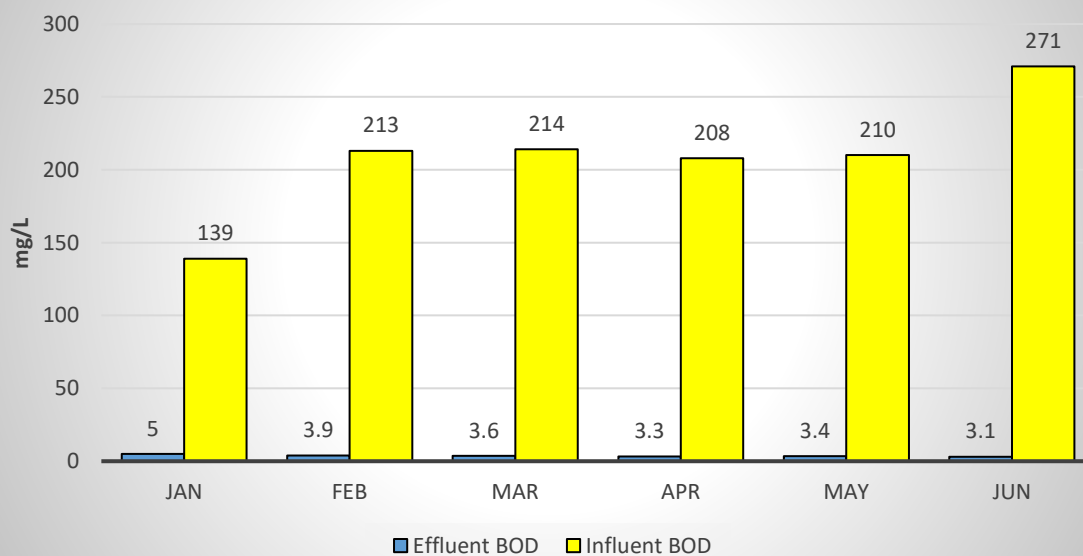


Average % of TSS removed for the month = **99%**

Discharge Limitations

Weekly- 18 mg/L
Monthly- 12 mg/L

WWTP BOD Removal



Average % of BOD removed for the month = **99%**

Discharge Limitations

Weekly- 15 mg/L
Monthly- 10 mg/L

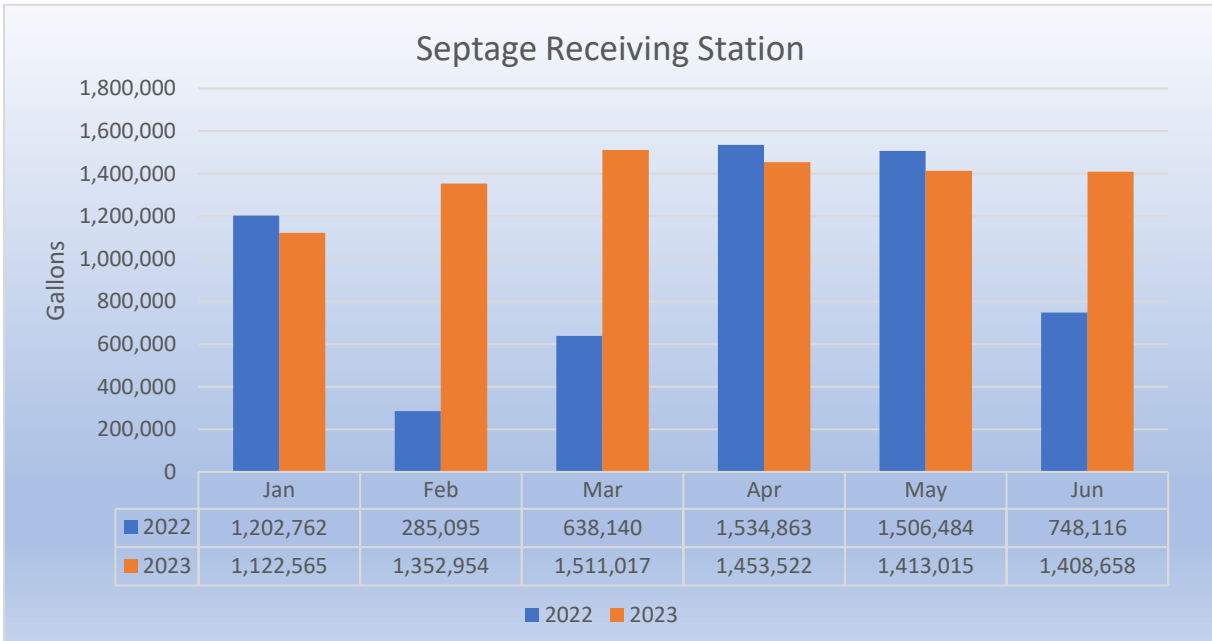
Work Highlights

- Sewer Inspections
 - o 4 new build inspections
- Amount of sludge pressed (dewatered) – 848,750 gallons
- Routine plant operations and preventative maintenance
- Local Limits Study

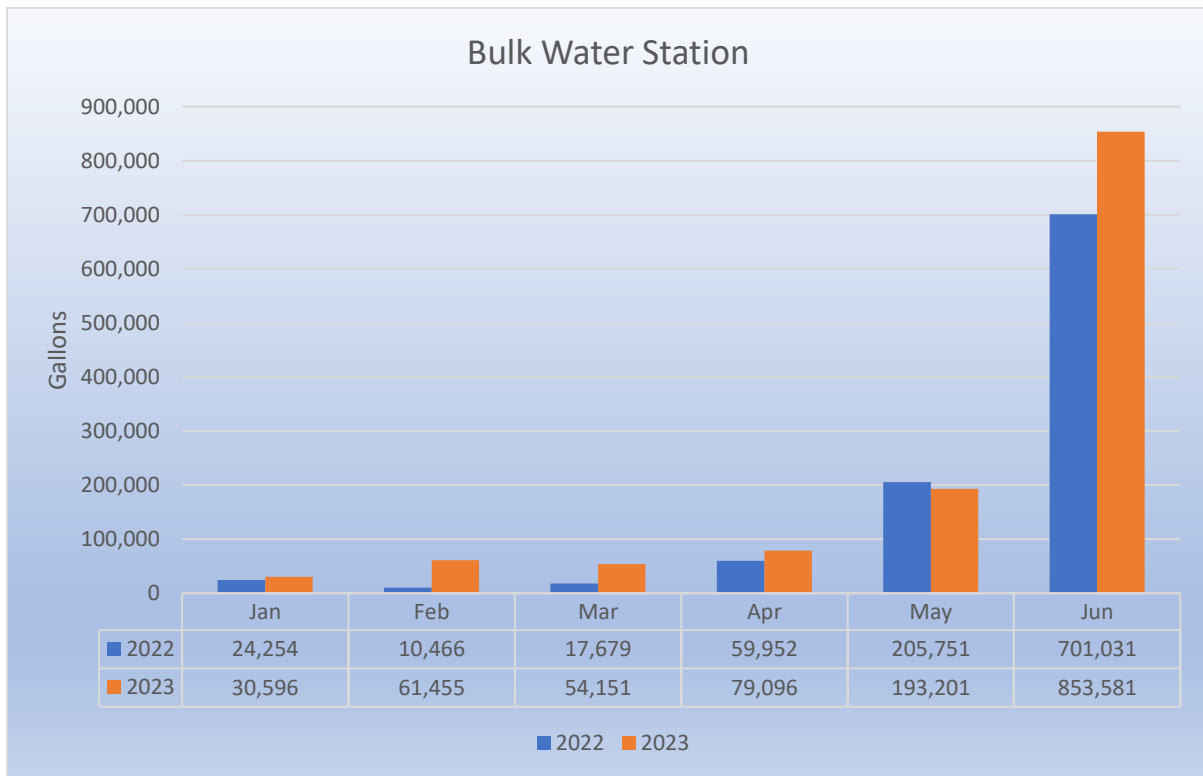


BULK SEWER & WATER

The following chart shows the total amount of waste in gallons brought into Johnstown for the current year and past year by the egg farm and bulk septage haulers.



The chart below shows the total amount of bulk water in gallons purchased each month for the current year and past year. NOTE: This graph contains only gallons of bulk water purchased from the fill station onsite and does not include hydrant meter usage.



Rick Fitch
Chief Wastewater Operator



Street Department Report

June 2023

CITY OF JOHNSTOWN, OHIO

City of Johnstown
Administrative Offices



599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Misc.

- Equipment maintenance, cleaning, and repairs
- Street Lights (as needed)
- Sign repair/replacement (as needed)
- R.O.W Mowing
- Set up Barracades for the parade and firemans festival
- Changed banners
- Trimming of trees

Street Maintenance

- Sign repair/replacement (as needed)
- Street sweeping (weekly)
- 5 ton of hot mix was used
- Curb Repair (Minnick ct, Kyber run cr, Tyler station)

Water Maintenance

- Assisted in water shut-off
- Spreading of Lime
- Hydro excavated a 2'' water main and Main valve
- OUPS Locates (Daily)

Stormwater Maintenance

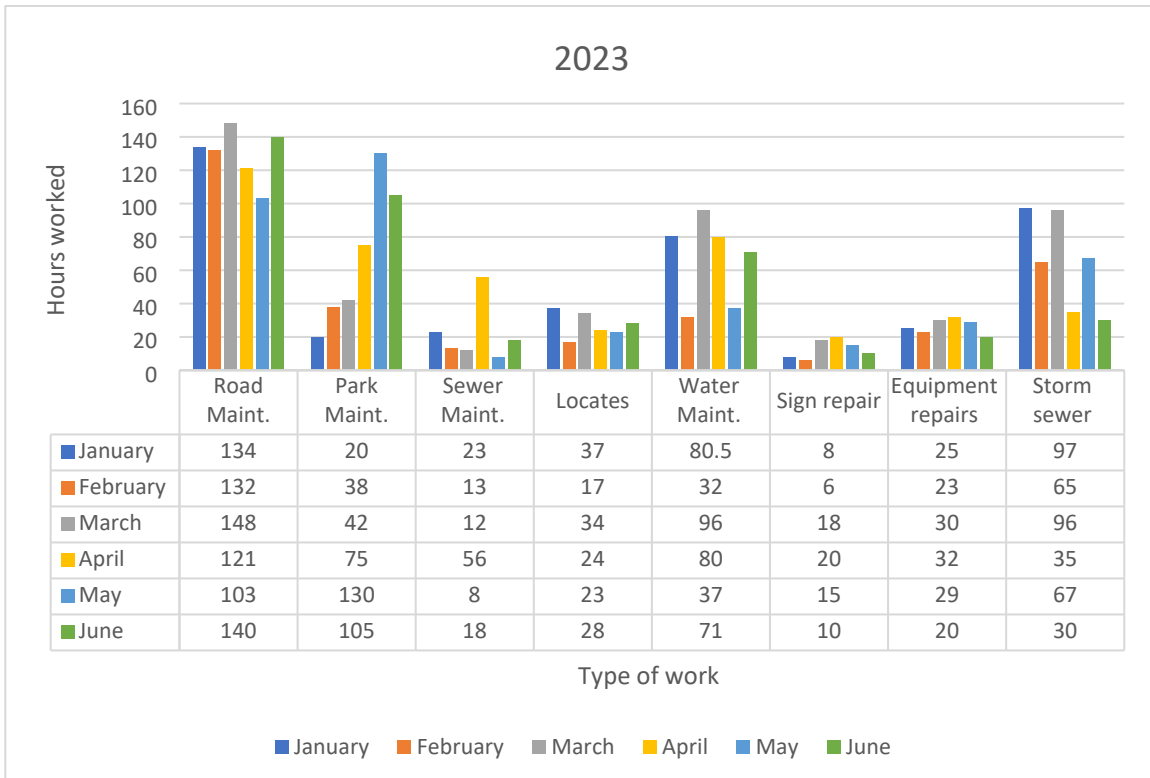
- OUPS Locates (Daily)
- Inlet cleaning
- Jetted and camera (269 edwards)
- Cleaned catch basin (Funeral home)

Park Maintenance

- Trash pickup (weekly)
- Trail head toilet checked and cleaned (weekly)
- Mowing and trimming (weekly)
- Powerwashed shelter houses and tables

Sewer Maintenance

- OUPS Locates (Daily)
- Hydro excavated a sewer lateral (47 w. Jersey)



Service Department Report

6/29/202

- 1) New Water Tower Update – Punch list work is continuing
- 2) Water Plant Update – Had meeting with Jacobs engineering to discuss new parameters and equipment placement.
- 3) Wastewater Plant Update – Had meeting with Jacobs to discuss plant upgrades and possibilities for phasing in upgrades.
- 4) East Jersey St Project – Asphalt work should be completed before the end June. Yard grading and seeding to be completed in July.
- 5) Pulte Housing Development – Met with Pulte representative and discussed punch list. Wastewater repairs have been made and are being reviewed. Roadway water repairs will begin soon.



ORDINANCE 11-2023

**AN ORDINANCE AMENDING ORDINANCE 22-2022,
THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF JOHNSTOWN TO APPROVE NECESSARY
CHANGES OF APPROPRIATIONS**

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2023 on December 13, 2022; and

WHEREAS, the City of Johnstown will receive funding from the Ohio Water Development Authority for the Water Treatment Plant Expansion; and

WHEREAS, The City of Johnstown will receive funding from Horizon for a gate enclosure at the Street Department;

NOW THEREFORE, be it ordained by the Council of the CITY OF JOHNSTOWN, Licking County, Ohio, as follows:

Section One. That the appropriations for the designated funds that were set forth in Ordinance 22-2022, adopted by the Council of the City of Johnstown, State of Ohio, on December 13, 2022, be hereby increased as follows:

Section Two.

WATER ENTERPRISE IMPROVEMENT

Water Treatment Plant Expansion	5701-800-530.0000	(increase)	\$ 1,404,204.00
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STREET CONSTRUCTION, MAINTENANCE AND REPAIR

Pop Site Gate Enclosure	2011-620-431.0000	(increase)	\$ 8,500.00
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Section Three. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action where meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

Date of Introduction: June 20, 2023

Public Hearing/Vote: July 5, 2023

Effective Date:

BY: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



ORDINANCE 12-2023

AN ORDINANCE AMENDING SECTIONS 191.012 (B), 191.04, 191.051 and 191.07 OF THE CODIFIED ORDINANCES OF THE CITY OF JOHNSTOWN TO INCREASE THE INCOME TAX RATE TO TWO AND ONE QUARTER PERCENT (2.25%) PER YEAR AND TO ENACT A CREDIT FOR TAXES PAID TO OTHER MUNICIPALITIES IN THE AMOUNT OF SEVENTY-FIVE PERCENT (75%) PER YEAR UP TO THE AMOUNT OF TAX ASSESSED BY THE CITY; TO PLACE THIS AMENDMENT BEFORE THE ELECTORS IN NOVEMBER OF 2023.

WHEREAS, the City of Johnstown needs to continue to develop and enhance services to residents including, but not limited to, capital improvements, police, streets, parks, planning; and

WHEREAS, the City's existing income tax rate is one percent (1%) per year, with zero percent (0%) credit per year paid for taxes paid to other municipalities; and

WHEREAS, increasing the income tax from one percent (1%) to two and one quarter percent (2.25%) and increasing the credit for taxes paid to other municipalities to seventy-five percent (75%) per year, up to the amount of tax assessed by the City as proposed in amended Section 191.07, will decrease the effective tax rate paid by most City residents who work outside the City's corporate limits; and

WHEREAS, Ohio law does not expressly provide for an effective date for a municipal income tax increase; and

WHEREAS, Johnstown City Council desires to specifically set forth the effective date for the income tax increase as January 1, 2024 in order to avoid uncertainty and complications associated with a potential mid-year effective date.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Johnstown, Licking County, Ohio as follows:

Section One The portions of the City of Johnstown Codified Ordinance 191.012 (B), 191.04 and 191.051, which provide for a one percent (1%) income tax, are hereby amended to provide that the income tax shall be levied at a rate of two and one quarter percent (2.25%) per year.

Section Two The portion of the City of Johnstown Codified Ordinance 191.07, which states that no credit is provided to residents for tax paid to other municipalities is hereby amended in order to provide a seventy-five percent (75%) credit to be applied as proposed in Exhibit A.

Section Three This increase in the tax rate established under Section 1 (above), and the credit established for taxes paid to other municipalities established in Section 2 (above), shall be effective on January 1, 2024, provided that the same is approved by a majority of the voters.

Section Four The Clerk of Council is hereby directed to file a certified copy of this Ordinance with the Board of Elections for Licking County, with the request that the aforementioned Board of Elections place the question of whether a change in the tax rate as set forth in Section One and whether

a credit for taxes paid to other municipalities as set forth in Section Two, should be approved on the November 7, 2023 ballot.

Section Five It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Ordinance were approved in an open meeting of this City Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN

Date of Introduction: June 20, 2023

Date of Public Hearing/Vote: July 5, 2023

Effective Date:

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

191.012 PURPOSE OF TAX; RATE.

(B)The annual tax is levied at a rate of ~~1% (one percent)~~ **2.25% (two and one quarter percent)**. The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Village of Johnstown. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 191.04 of this Chapter and other sections as they may apply.

191.04 IMPOSITION OF TAX.

The income tax levied by the City of Johnstown at a rate of ~~one percent [1.0%]~~ **two and a quarter percent [2.25%]** is levied on the Municipal Taxable Income of every person residing in and/or earning and/or receiving income in the City of Johnstown, Ohio.

191.051 WITHHOLDING PROVISIONS.

(A) Each employer, agent of an employer, or other payer located or doing business in the Village of Johnstown shall withhold an income tax from the qualifying wages earned and/or received by each employee in the Village of Johnstown. Except for qualifying wages for which withholding is not required under Section 191.04 or division (B)(4) or (6) of this section, the tax shall be withheld at the rate, specified in Section 191.01 of this chapter, of ~~1.0%~~ **2.25%**. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.

191.07 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

~~No credit is provided to residents for tax paid to other municipalities.~~

Every individual taxpayer domiciled in Johnstown who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a nonrefundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. The credit shall not exceed seventy-five percent (75%) of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the tax rate imposed under this chapter.



RESOLUTION 2023-17

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF JOHNSTOWN, AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, AN ORDINANCE TO AMEND SECTIONS 191.012(B), 191.04, 191.051 and 191.07. TO INCREASE THE CITY INCOME TAX RATE FROM THE CURRENT RATE OF ONE PERCENT (1.00%) TO A RATE OF TWO AND ONE QUARTER PERCENT (2.25%) FOR THE PURPOSES OF PUBLIC SAFETY, ECONOMIC DEVELOPMENT, OPERATIONS EFFICIENCIES AND CAPITAL IMPROVEMENTS AND RELATED COSTS; AND TO INCREASE THE CREDIT FOR TAXES PAID TO ANOTHER MUNICIPALITY TO SEVENTY-FIVE PERCENT (75%) FROM ZERO PERCENT (0.00%)

WHEREAS, Section 718.04(C)(2) of the Ohio Revised Code provides that no municipal corporation shall levy a tax on income at a rate in excess of One Percent (1.00%) without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election; and

WHEREAS, a general election is to be held on November 7, 2023, and the Council desires to place on the ballot a proposed increase of the City of Johnstown income tax from 1.00% to 2.25% for the consideration of the electors of the City of Johnstown; and

WHEREAS, in tandem with the proposed increase in the income tax rate, such ordinance shall also increase the credit for income taxes paid to other municipalities from 0.00% to 75%. The credit shall not exceed seventy-five percent (75%) of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the tax rate imposed under this chapter.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF JOHNSTOWN, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That, pursuant to Section 718.04 of the Ohio Revised Code, the Council of the City of Johnstown hereby authorizes and directs the submission to the electors of the City of Johnstown, Ohio, at the General Election to be held on Tuesday, November 7, 2023, the question of approving the passage of Ordinance No. 12-2023, attached hereto as Exhibit A and incorporated by reference herein, to amend Section 191.012 (B), 191.04 and 191.051 of the Codified Ordinances to provide for an annual municipal income tax rate of two and one quarter percent (2.25%) commencing on the January 1, 2024, for the purposes of public safety, economic development, operations efficiencies, capital improvements, and related costs; and to amend Section 191.07 regarding income tax credits for taxes paid to other municipalities from zero percent (0.00%) to seventy-five percent (75%).

Section 2: That the proposed Ordinance to be submitted to the electors of the City for their approval shall be as set in Ordinance No. 12-2023, attached hereto as Exhibit A and incorporated by reference herein.

Section 3: That the form of the ballot to be used at such election on the question shall be as follows:

**PROPOSED MUNICIPAL INCOME TAX
City of Johnstown**

A majority affirmative vote is necessary for passage.

Shall Ordinance No. 12-2023 providing for an increase in the municipal income tax rate from the current rate of one percent (1.00%) to a rate of two and one quarter percent (2.25%), effective on January 1, 2024, for the purposes of public safety, economic development, operations efficiencies, capital improvements, and related costs; and increasing the income tax credit for taxes paid to other municipalities from zero percent (0%) to seventy-five (75%), with the credit not exceeding seventy-five percent (75%) of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the tax rate imposed under this chapter be passed?

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX

Section 4: That it is found and determined that all formal actions of this Council concerning and related to the adoption of this Resolution were taken in an open meeting of said Council, and that all deliberations of this Council that resulted in such formal action were made in meetings open to the public, when required by law, in full compliance with all legal requirements, including without limitation, provisions of the Charter of the City of Johnstown and Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution shall take effect upon its adoption as provided by Section 4.04 of the Charter of the City of Johnstown.

Section 6: That the Clerk of Council shall file a certified copy of Ordinance 12-2023 together with a certified copy of this Resolution with the Delaware County Board of Elections at least ninety (90) days prior to the date of the election set forth in Section 1 hereof.

Section 7. It is found and determined that all formal actions of this City Council concerning and relating to the recommendation of adoption of this Resolution were approved in an open meeting of this City Council, and that meetings resulted in such formal action where meetings were open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Charter for the CITY OF JOHNSTOWN.

Date of Introduction/Public Hearing/Vote: July 5, 2023

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director



RESOLUTION 2023-18

RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 285.93 +/- ACRES OF LAND IN MONROE TOWNSHIP (LICKING COUNTY), OHIO IF ANNEXED TO THE CITY OF JOHNSTOWN, OHIO

WHEREAS, a petition was filed with the Licking County Board of County Commissioners on June 22nd, 2023, requesting annexation to the City of Johnstown, Ohio of 285.93 +/- acres of land in Monroe Township owned by Thomas E. II & Dawn C. Dague, Trustees, James R. Heimerl, Katherine E. Heimerl, Jeffery W. Heimerl, Bradley J. Heimerl, Matthew D. Heimerl, and, The Johnstown Land Company LLC (the "Property", a description of which is attached hereto as Exhibit "A" and made a part hereof); and

WHEREAS, Ohio Revised Code Section 709.023(C) requires the legislative authority of the municipal corporation to which the annexation is proposed to adopt an ordinance or resolution within 20 days of a petition for annexation being filed with the Board of County Commissioners, stating what services the municipal corporation will provide to the territory proposed for annexation upon annexation and an approximate date upon which it will provide them.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Johnstown, Licking County, State of Ohio, that:

SECTION I: The City of Johnstown will provide the following municipal services for the Property upon annexation of said area to the City of Johnstown.

Sewer: Sanitary sewer service and storm sewer service are not currently available from the City of Johnstown to the territory proposed for annexation. Although the City's wastewater treatment plant has capacity to service the area proposed for annexation, the necessary sanitary sewer service lines and related facilities currently do not exist in proximity to the Property. Similarly, storm sewer lines and related facilities do not exist in proximity to the Property. Extensions of sanitary service lines and necessary appurtenances and extensions of storm sewer service lines and necessary appurtenances from existing and/or future municipal facilities to the Property proposed for annexation will require construction through privately owned properties and/or public rights-of-way or easements at a cost which has not been determined. All sanitary sewer lines and necessary appurtenances as well as all storm sewer lines and necessary appurtenances may be required to be constructed by owner(s) or by developer(s) of all or any portion of the Property or the City of Johnstown may determine that it will construct all or portions of the same, or construction may be completed by some combination of the private owner(s)/developer(s) and the City of Johnstown, as determined at a later date. Additionally, any easements necessary to extend said lines and for placement of necessary appurtenances will need to be obtained by owner(s) or by developer(s) of all or any portion of the Property or by the City of Johnstown, or by some combination of the

private owner(s)/developer(s) and the City of Johnstown, as determined at a later date. Accordingly, the actual date upon which said sanitary sewer service and storm sewer service can be provided is indeterminate, but will be no earlier than March 1, 2024.

Water: Water service is currently available from the City of Johnstown to the portions of the territory proposed for annexation. Although the City's water plant has capacity to service at least some of the Property, it is exploring updates to its water treatment plant and the necessary water service lines and related facilities currently do not exist in proximity to all areas needed to serve the Property. Extensions of water service lines and necessary appurtenances and extensions from existing and/or future municipal facilities to the Property proposed for annexation will require construction through privately owned properties and/or public rights-of-way or easements at a cost which has not been determined. All water lines and necessary appurtenances may be required to be constructed by owner(s) or by developer(s) of all or any portion of the Property or the City of Johnstown may determine that it will construct all or portions of the same, or construction may be completed by some combination of the private owner(s)/developer(s) and the City of Johnstown, as determined at a later date. Additionally, any easements necessary to extend said lines and for placement of necessary appurtenances will need to be obtained by owner(s) or by developer(s) of all or any portion of the Property or by the City of Johnstown, or by some combination of the private owner(s)/developer(s) and the City of Johnstown, as determined at a later date. Accordingly, the actual date upon which said water service can be provided is indeterminate, but will be no earlier than March 1, 2024.

Police: The City of Johnstown has police services available and will provide police protection for the Property upon acceptance of the annexation of the Property.

Zoning: The City of Johnstown has zoning and planning services available and will provide zoning and planning services to the Property if annexed. If the City of Johnstown permits uses on the Property that the City of Johnstown determines are clearly incompatible with the uses permitted under current county or township zoning regulations applicable to land that is adjacent to the Property which remains within Monroe Township, the City of Johnstown will require, in the zoning ordinance permitting the incompatible uses, the owner(s) of the Property to provide a buffer separating the portions of the Property that contain the incompatible use(s) and the adjacent land remaining within Monroe Township. For the purpose of this requirement, "buffer" may include open space, landscaping, fences, walls, and other structured elements, streets and street rights-of-way; bicycle and pedestrian paths and sidewalks, or some combination of any of them.

Streets &

Roadways: Upon annexation of the Property, maintenance will be provided by the City of Johnstown (a) for rights-of-way and streets, highways, and related improvements that exist wholly or partially within the Property and municipal limits, and (b) to future public rights-of-way and streets within the boundaries of the Property. If a street or highway will be divided or segmented by the boundary line between a township and Johnstown so as to create a road maintenance problem, the City of Johnstown agrees as a condition of the annexation to assume the maintenance of that

street or highway unless it remains the responsibility of a township, Licking County, State of Ohio, or a separate municipality in accordance with an existing or future legally effective agreement or is otherwise required by law.

SECTION II: The City Clerk is directed to file a copy of this Resolution with the Licking County Board of Commissioners promptly upon its passage and execution.

SECTION III: It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

WHEREFORE, pursuant to Section 4.04(a) of the Charter of the City of Johnstown, this Resolution shall be in effect immediately after its adoption.

Date of Introduction/Public Hearing/Vote: July 5, 2023

By: _____
Mayor Donald Barnard

ATTEST TO: APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

RESOLUTION

IN THE MATTER OF FILING EXPEDITED II PETITION AND MAP FOR ANNEXATION –
MONROE TOWNSHIP TO THE CITY OF JOHNSTOWN– UNDERHILL/AGENT - FILE
#9-2023 - (285.93+/- ACRES)

BE IT RESOLVED by the Board of County Commissioners, County of Licking, State of Ohio:

That we did hereby receive and file an **EXPEDITED II** annexation petition, map by Aaron Underhill, located at 8000 Walton Parkway, Ste 260, New Albany, Ohio 43054, as required by ORC Section 709.02 – 709.023, to annex certain territory, adjacent and contiguous to the City of Johnstown, containing 285.93+/- acres, more or less, in Monroe Township; also known as File #9-2023.

BE IT FURTHER RESOLVED that the **FILE** date for this annexation is hereby noted as Thursday, June 22, 2023.

CC: Michael L. Smith, Auditor
Clerk, City of Johnstown
Fiscal Officer, Monroe Township Trustees
Aaron Underhill, Agent
E-911
Jared Knerr, County Engineer
Brad Mercer, Planning Department
Angela Farley, Planning Dept.
FILE

Sheriff Randy Thorp
Board of Health
Board of Elections
Board of Education
Jenny Wells, Pros. Atty.
Mayor, City of Johnstown
Carolyn Carnes, LC Pros. Atty
Kyle Schaper, Auditor's Office

Motion by **BLACK**

seconded by

FLOWERS

that the resolution be adopted was carried by the following vote:

YEAS:

Timothy E. Bub * *Duane H. Flowers* * *Rick Black*

NAYS:

* *

Timothy E. Bub
Duane H. Flowers
Rick Black

Adopted: June 22, 2023

Beverly Adzic
Beverly Adzic, Clerk/Administrator

I, Beverly Adzic, duty qualified clerk of Licking County Commissioners; do hereby certify that the foregoing document is a true and exact copy.

Beverly Adzic
Beverly Adzic, Clerk
Licking County Commissioners

**EXPEDITED TYPE II PETITION FOR ANNEXATION
(PURSUANT TO R.C. SECTION 709.023)
TO THE CITY OF JOHNSTOWN
OF ±285.93 ACRES
IN THE TOWNSHIP OF MONROE**



*TO THE BOARD OF COUNTY COMMISSIONERS
OF LICKING COUNTY, OHIO:*

The undersigned, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described in Exhibit "A", consisting of ±285.93 acres, more or less, located in the Township of Monroe, Licking County, Ohio, which area is contiguous along 1708.6 feet or 7% and adjacent to the City of Johnstown, do hereby respectfully petition the Board of Licking County Commissioners that said territory be annexed to the City of Johnstown according to the statutes of the State of Ohio, and specifically the expedited procedure specified in Ohio Revised Code Section 709.023.

The number of owners within the area is eight (8)

1. Attached to this petition and made part hereof is a full legal description of the area to be annexed, marked as Exhibit "A".
2. Attached to this petition and made part hereof is an accurate map of the area to be annexed, marked as Exhibit "B".
3. Attached to this petition and made part hereof is a list of parcels in the area to be annexed and adjacent territory that includes the name of the owner, mailing address of owner and permanent parcel number, marked as Exhibit "C".

The undersigned petitioners do hereby designate Aaron Underhill, Esq., David Hodge, Esq., and Eric Zartman, Esq., attorneys, as their agents ("Agents") as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to each said Agent individually to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this petition. Agents' contact information is as follows: Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054; Phone: (614) 335-9320, Fax: (614) 335-9329; and e-mail: aaron@uhlfirm.com, david@uhlfirm.com, and eric@uhlfirm.com.

WHOMEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR SAID SPECIAL ANNEXATION PROCEDURE.

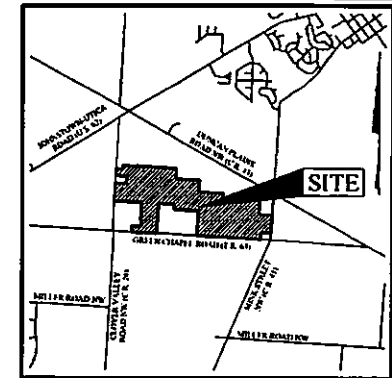
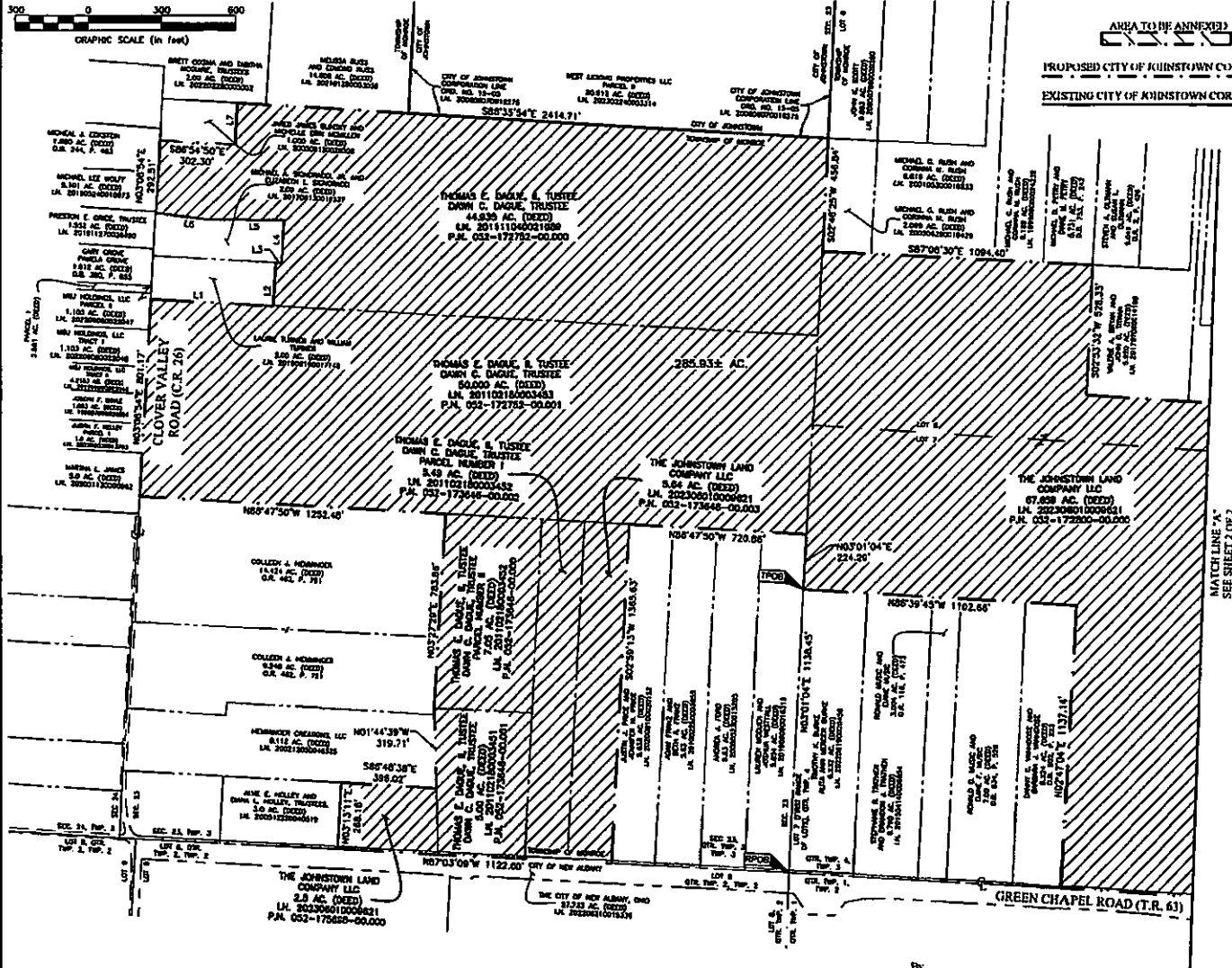
[Petition signatures on following counterpart page]

EXHIBIT "B"

ANNEXATION OF 285.93± ACRES

TO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF MONROE
SECTION 23, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 15
LOTS 6 & 7 (FIRST RANGE), QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

LINE	BEARING	DISTANCE
L1	S86°45'12"E	482.16'
L2	N0°08'54"E	175.00'
L3	S86°46'34"E	25.33'
L4	N0°09'12"E	174.50'
L5	N89°54'43"W	299.67'
L6	N82°24'28"W	210.95'
L7	N0°05'04"E	166.44'



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

Contiguity Note:
Total perimeter of annexation area is 24825.94 feet, of which 1708.6 feet is contiguous with the City of Johnstown giving 7% perimeter contiguity.

Proposed Annexation
of 285.93 acres to the City of Johnstown

The within map marked exhibit "B" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on _____, 20____, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory on said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of Johnstown, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received _____, 20____
Petition Approved _____, 20____
Transferred this _____ day of _____, 20____, upon the duplicates of this office
Containing _____ acres
Transfer Fee _____
Received for Record _____, 20____, at _____ (AM-PM) and recorded _____, 20____, in plat ordinance, petition, etc. in Flat Book Volume _____ Page _____
Plat Fee _____
Ordinance, etc. Fee _____

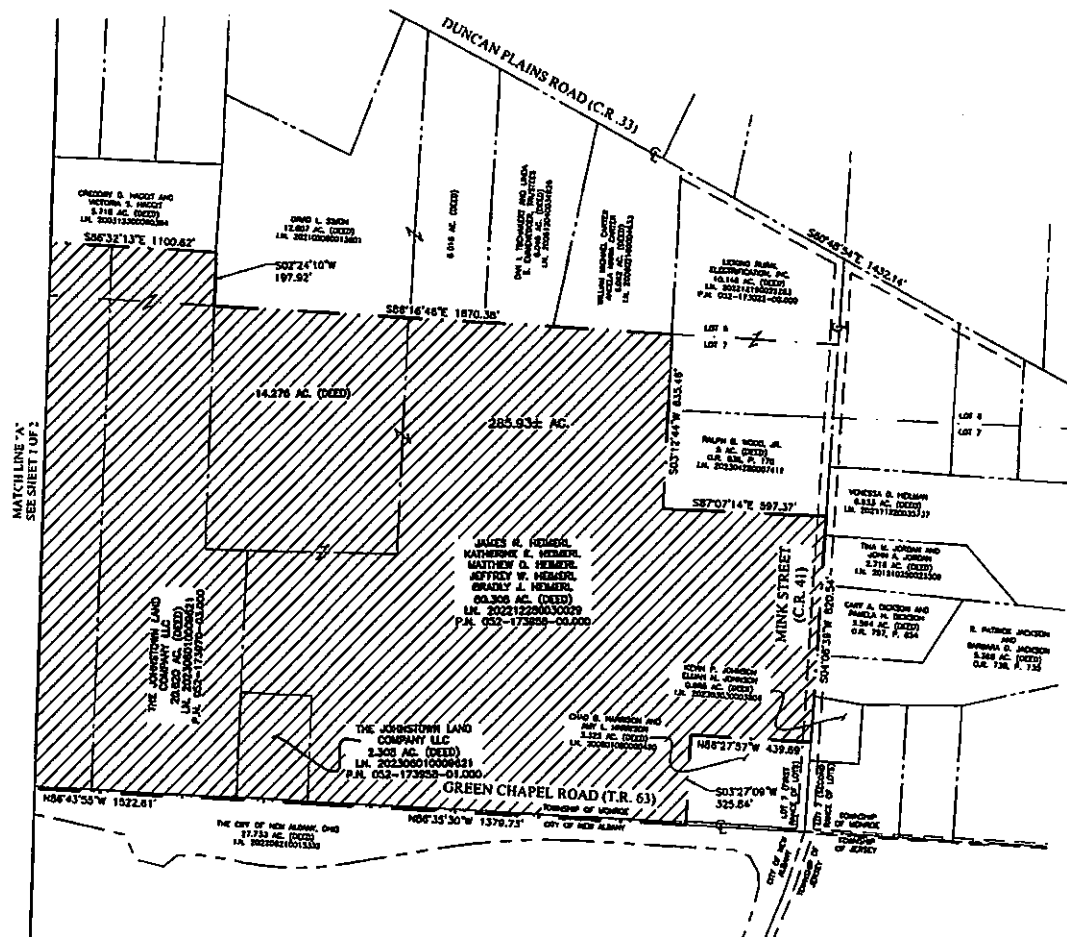
Counsel for the City of Johnstown, Ohio, by ordinance _____ passed _____, 20____, and approved by the City on _____, 20____, did accept the territory shown hereon for annexation to the City of Johnstown, Ohio, a municipal corporation.

Attest _____
Clerk, City of Johnstown

EMH Bruce, Marchant, Henselwood & Thomas, Inc. Engineers • Surveyors • Planners • Architects 4800 New Albany Avenue, Columbus, OH 43230 Phone 614-778-2321 Fax 614-778-2322	Date: June 12, 2023																		
	Scale: 1" = 300'																		
	Job No: 2023-0023																		
	Sheet: 1 of 2																		
REVISIONS <table border="1"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		MARK	DATE	DESCRIPTION															
MARK	DATE	DESCRIPTION																	

By: Matthew A. Kuk
Professional Surveyor No. 7865
m.kuk@emh.com

GRAPHIC SCALE (in feet)



 Evans, Macomber, Hinton-Jackson & Dittus, Inc. Engineers • Surveyors • Planners • Architects 8820 New Albany Road, Columbus, OH 43254 Phone: 614/778-4300 Toll Free: 800/778-5648 www.emht.com	Date: June 12, 2023
	Scale: 1" = 300'
	Job No: 2023-0023
	Sheet: 2 of 2



RESOLUTION 2023-19

**RESOLUTION TO APPROVE THE FINAL DEVELOPMENT PLAN FOR CONCORD
CROSSING EAST PHASE 4**

WHEREAS, Schlabach Builders has submitted their Final Plat of Concord Crossing East Phase 4; and

WHEREAS, this is the first phase intended for construction, remaining phases will be submitted separately; and

WHEREAS, at the June 27, 2023 Planning & Zoning meeting, Commissioners voted 5-0 in favor of recommending approval of the Concord Crossing East Phase 4 Plat to Council; and

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Johnstown, Licking County, State of Ohio, that:

SECTION I: The City of Johnstown Council approves the Concord Crossing East Final Plat Phase 4 attached.

SECTION II: It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date of Introduction/Public Hearing/Vote: July 5, 2023

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

CONCORD CROSSING EAST
PHASE 4
STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN,
FARM LOT 2, QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST,
UNITED STATES MILITARY LANDS

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN, BEING IN FARM LOT 2 , QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST, UNITED STATES MILITARY LANDS, BEING 20.130 ACRES ALL OF THAT 105.821 ACRE ORIGINAL TRACT OF LAND AS CONVEYED TO SCHLABACH BUILDERS, LTD., AN OHIO LIMITED LIABILITY COMPANY, BY DEED OF RECORD IN INSTRUMENT NUMBER 2023032820005244, RECORDS OF THE RECORDER'S OFFICE, LICKING COUNTY, OHIO.

"EASEMENT", "DRAINAGE EASEMENT", "SANITARY EASEMENT" AND "EMERGENCY VEHICLE ACCESS EASEMENT" AREAS SHOWN HEREON ARE WITHIN THAT 105.821 ACRE ORIGINAL TRACT OF RECORD IN INSTRUMENT NUMBER 2023032820005244. EASEMENTS ARE HEREBY GRANTED THEREIN FOR THE USES AND PURPOSES EXPRESSED HEREIN.

WE THE UNDERSIGNED, SCHLABACH BUILDERS, LTD., AN OHIO LIMITED LIABILITY COMPANY, OF THE LAND PLATTED HEREIN, DULY AUTHORIZED IN THE PREMISES, DOES HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS "CONCORD CROSSING EAST PHASE 4", A SUBDIVISION CONTAINING LOTS NUMBERED 110-151 INCLUSIVE, AND ARES DESIGNATED AS RESERVE "A", DOES HEREBY ACCEP ACCEPT THIS PLAT OF SAME AND DEDICATE TO PUBLIC USE, AS SUCH, ALL OR PARTS OF THE AVENUE, COURTS, DRIVES AND PLACES SHOWN HEREON AND NOT HERETOFORE DEDICATED.

IN WITNESS WHEREOF, JAMES SCHLABACH, OWNER HAS CAUSED THIS PLAT TO BE EXECUTED BY THIS DULY AUTHORIZED OFFICE.

THIS DAY OF , 20 .

OWNER: SCHLABACH BUILDERS, LTD., AN OHIO LIMITED LIABILITY COMPANY
PRINTED NAME:
TITLE: OWNER

WITNESS WITNESS
PRINTED NAME: PRINTED NAME:

STATE OF OHIO
COUNTY OF LICKING:

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JAMES SCHLABACH, OWNER OF SAID SCHLABACH BUILDERS, LTD., AN OHIO LIMITED LIABILITY COMPANY, WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SCHLABACH BUILDERS, LTD., AN OHIO LIMITED LIABILITY COMPANY, FOR ITS USES AND PURPOSES EXPRESSED THEREIN.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS

DAY OF , 20

MY COMMISSION EXPIRES

APPROVED THIS DAY OF ,2023

PLANNING COMMISSION CHAIRMAN,
CITY OF JOHNSTOWN, OHIO

PRINT

APPROVED THIS DAY OF ,2023

ENGINEER
CITY OF JOHNSTOWN, OHIO

PRINT

APPROVED THIS DAY OF ,2023

CITY MANAGER
CITY OF JOHNSTOWN, OHIO

PRINT

APPROVED THIS DAY OF ,2023, AND OTHER IMPROVEMENTS HEREIN DESCRIBED TO PUBLIC USE ARE HEREBY ACCEPTED AS SUCH FOR THE CITY OF JOHNSTOWN, STATE OF OHIO.

CITY CLERK
CITY OF JOHNSTOWN, OHIO

PRINT

COUNTY AUDITOR.

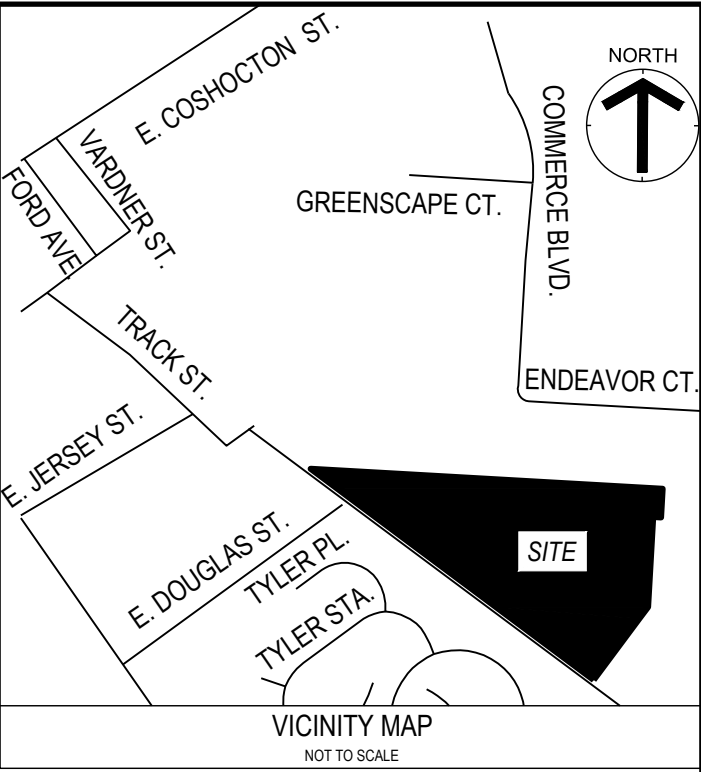
I HEREBY CERTIFY THAT THE LAND DESCRIBED BY THIS PLAT WAS TRANSFERRED ON , 20 .

MICHAEL L. SMITH
LICKING COUNTY AUDITOR

COUNTY RECORDER.

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORDING ON , 20 , AT AM-PM AND THAT IT WAS RECORDED ON , 20 , PLAT CABINET , SLOT PLAT RECORDS OF LICKING COUNTY, OHIO. FEE \$.

DEPUTY RECORDER, LICKING COUNTY, OHIO



BASIS OF BEARING
THE BEARINGS SHOWN HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83(2011).

SOURCE OF DATA
THE SOURCES OF RECORDED SURVEY DATA REFERENCED IN THE PLAN AND TEXT OF THIS PLAT ARE THE RECORDS OF THE RECORDER'S OFFICE, LICKING COUNTY, OHIO.

CERTIFICATION OF SURVEYOR
I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TRUE AND COMPLETE SURVEY MADE BY ME OR UNDER MY SUPERVISION IN FEBRUARY, 2023, AND THAT ALL MARKERS AND MONUMENTS INDICATED ARE IN PLACE OR WILL BE IN PLACE BY THE TIME OF STREET ACCEPTANCE AND ARE CORRECTLY SHOWN AS TO MATERIALS, LOCATIONS AND MEETS THE LATEST PROVISION OF OHIO ADMINISTRATIVE CODE CHAPTER 4733-37 - MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO.

JEFFREY MILLER, P.S. DATE:
OHIO P.S. NO. 7211

DEVELOPER
SCHLABACH BUILDERS, LTD
6678 STATE ROUTE 241
MILLERSBURG, OHIO 44654
(330) 674-2831

ACREAGE BREAKDOWN
TOTAL ACREAGE: 20.130 ACRES
ACREAGE IN RIGHT-OF-WAY: 2.795 ACRES
ACREAGE IN LOTS 110-151: 11.151 ACRES
ACREAGE IN RESERVE "A": 6.184 ACRES

CONCORD CROSSING EAST PHASE 4		
CITY OF JOHNSTOWN		LICKING COUNTY, OHIO
SCALE: N/A		DATE: 4/26/2023
DESIGN: N/A		JOB NO.: 761424
DRAWN: OPG		SHEET NO.:
CHECKED: ALB		1 OF 5

CONCORD CROSSING EAST
PHASE 4
STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN,
FARM LOT 2, QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST,
UNITED STATES MILITARY LANDS

NOTE "A": NOTICE IS HEREBY GIVEN TO ANY BUYER OF THE LOTS DELINEATED UPON THIS PLAT, THAT ON FILE WITH THE BUILDING DEPARTMENT OF LICKING COUNTY, ARE SITE IMPROVEMENTS PLANS FOR THE DEVELOPMENT OF SAID LOTS SHOWING PROPOSED LOT DRAINAGE, PROPOSED GROUND ELEVATION AT HOUSE AND/OR LOT GRADING PLANS. THESE PLANS, AS APPROVED BY THE GOVERNMENTAL AGENCIES, ARE CONSIDERED PART OF THE APPROVAL OF THIS SUBDIVISION AND ARE TO BE INCORPORATED INTO THE FINAL PLOT PLAN REQUIRED WITH THE BUILDING PERMIT.

NOTE "B": CITY OF JOHNSTOWN ZONING CODE FOR "CONCORD CROSSING EAST PHASE 4". IN EFFECT AT TIME OF PLATTING OF "CONCORD CROSSING EAST PHASE 4". SPECIFIES THE FOLLOWING SETBACK REQUIREMENTS:

FRONT: DESIGNATION (LOTS 110-151) PUD
REAR: 20 FEET
SIDE: 25 FEET
5 FEET

NOTE "C": ACREAGE BREAKDOWN
TOTAL ACREAGE: 20.130 ACRES
ACREAGE IN LOTS 110-151 INCLUSIVE: 11.152 ACRES
ACREAGE IN RESERVES: 6.184 ACRES
ACREAGE IN RIGHT OF WAY: 2.794 ACRES

NOTE "D": AT THE TIME OF PLATTING AS SUBDIVISION PLAT OF "CONCORD CROSSING EAST PHASE 4". IS IN THE FLOOD HAZARD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS DESIGNATED AND DELINEATED ON THE FEMA FLOOD INSURANCE MAP FOR LICKING COUNTY, OHIO, AND INCORPORATED AREA, MAP NUMBER 39089C0143J, WITH EFFECTIVE DATE, OF MARCH 16, 2015.

NOTE "E": AT THE TIME OF PLATTING, ELECTRIC, CABLE AND TELEPHONE SERVICE PROVIDERS HAVE NOT ISSUED INFORMATION REQUIRED SO THAT EASEMENT AREAS, IN ADDITION TO THOSE SHOWN ON THIS PLAT AS DEEMED NECESSARY BY THESE PROVIDERS FOR THE INSTALLATION AND MAINTENANCE OF ALL OF THEIR MAIN LINE FACILITIES, COULD CONVENIENTLY BE SHOWN ON THIS PLAT. EXISTING RECORDED EASEMENT INFORMATION DESIRED ABOUT SUBDIVISION PLAT OF "CONCORD CROSSING EAST PHASE 4". PLAT OR ANY PART THEREOF CAN BE ACQUIRED BY A COMPETENT EXAMINATION OF THE THEN CURRENT PUBLIC RECORD, INCLUDING THOSE IN THE LICKING COUNTY RECORDER'S OFFICE.

NOTE "F": RESERVE "A" AS DESIGNATED AND DELINEATED HEREON IS TO BE OWNED AND MAINTAINED BY THE CONCORD CROSSING EAST HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF OPEN SPACE.

NOTE "G": EMERGENCY VEHICLE ACCESS EASEMENT: WITHIN THIS AREA DESIGNATED AS EMERGENCY VEHICLE ACCESS EASEMENT: WITHIN THOSE AREAS AS DESIGNATED "EMERGENCY VEHICLE ACCESS EASEMENT" ON THIS PLAT, AN ADDITIONAL EASEMENT IS HEREBY RESERVED FOR USE BY THOSE ENTITIES IN THE COURSE OF PROVIDING PUBLIC EMERGENCY POLICE, FIRE AND/OR RESCUE SERVICES IN THE ADJACENT EXISTING BIKE PATH AREA. NO FENCES OR OTHER OBSTRUCTIONS TO THE USE OF THIS AREA BY VEHICLES PROVIDING SUCH EMERGENCY SERVICES ARE PERMITTED WITHIN EMERGENCY VEHICLE ACCESS EASEMENT AREAS AS DELINEATED ON THIS PLAT.

NOTE "H": SANITARY SEWER EASEMENTS: EASEMENTS DESIGNATED AS SANITARY SEWER EASEMENTS ON THIS PLAT ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR REMOVAL OF SANITARY SEWER LINES AND SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID SEWERS AND FOR PROVIDING INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES AND ARE TO BE MAINTAINED AS SUCH FOREVER. NO OTHER UTILITIES ARE TO BE PLACED OR CONSTRUCTED IN DESIGNATED SANITARY SEWER EASEMENTS.

NOTE "I": DRAINAGE EASEMENTS: AN EASEMENT IS HEREBY GRANTED FOR THE PURPOSE OF CONSTRUCTION, OPERATION, RECONSTRUCTION, USAGE, AND MAINTENANCE OF STORM DRAINAGE SWALES, DITCHES AND UNDERGROUND PIPING AND APPURTENANT WORKS ON ANY PART OF EASEMENT AREAS DESIGNATED "DRAINAGE EASEMENT" HEREON INCLUDING THE RIGHT TO CONSTRUCT, CLEAN, REPAIR, KEEP UNOBSTRUCTED, AND CARE FOR SAID SEWERS, SWALES, DITCHES, PIPING AND APPURTENANT STRUCTURES, TOGETHER WITH THE RIGHT OF ACCESS TO THE SAID AREAS FOR SAID PURPOSE. NO ABOVE GRADE STRUCTURES, DAMS, OR OTHER OBSTRUCTIONS TO THE FLOW OF STORM WATER RUNOFF ARE PERMITTED WITHIN THE DRAINAGE EASEMENT AREAS AS DELINEATED ON THIS PLAT, EXCEPT THOSE SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS.

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C1	175.00'	103.99'	N76° 12' 27"E, 102.47'	34° 02' 52"
C2	170.00'	366.92'	N65° 03' 57"E, 299.73'	123° 39' 47"
C3	175.00'	103.99'	S70° 07' 35"E, 102.47'	34° 02' 52"
C4	60.00'	123.13'	N34° 26' 23"E, 102.63'	117° 35' 01"
C5	25.00'	39.27'	S48° 13' 59"W, 35.35'	89° 59' 49"

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C6	200.00'	20.12'	S6° 07' 00"W, 20.11'	5° 45' 53"
C7	200.00'	63.64'	S18° 06' 52"W, 63.37'	18° 13' 50"
C8	200.00'	63.64'	S36° 20' 41"W, 63.37'	18° 13' 50"
C9	200.00'	63.64'	S54° 34' 31"W, 63.37'	18° 13' 50"
C10	200.00'	63.64'	S72° 48' 21"W, 63.37'	18° 13' 50"

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C11	200.00'	63.64'	N88° 57' 49"W, 63.37'	18° 13' 50"
C12	200.00'	63.64'	N70° 44' 00"W, 63.37'	18° 13' 50"
C13	200.00'	29.72'	N57° 21' 37"W, 29.70'	8° 30' 56"
C14	50.00'	54.95'	N84° 35' 05"W, 52.22'	62° 57' 52"
C15	60.00'	195.61'	N22° 40' 10"W, 119.79'	186° 47' 41"

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C16	60.00'	50.38'	S85° 13' 01"E, 48.91'	48° 06' 37"
C17	60.00'	8.44'	S57° 07' 56"E, 8.43'	8° 03' 33"
C18	140.00'	31.63'	S59° 34' 27"E, 31.56'	12° 56' 36"
C19	140.00'	268.38'	N59° 02' 09"E, 229.13'	109° 50' 11"
C20	140.00'	2.16'	N3° 40' 34"E, 2.16'	0° 53' 00"

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD	DELTA ANGLE
C21	25.00'	39.27'	N41° 46' 01"W, 35.36'	90° 00' 11"
C22	50.00'	30.15'	S75° 57' 29"W, 29.69'	34° 32' 49"
C23	50.00'	24.80'	S44° 28' 33"W, 24.55'	28° 25' 02"
C24	60.00'	66.31'	S61° 55' 41"W, 62.99'	63° 19' 19"
C25	60.00'	64.99'	N55° 22' 54"W, 61.86'	62° 03' 31"

CONCORD CROSSING EAST PHASE 4

CITY OF JOHNSTOWN

LICKING COUNTY, OHIO

SCALE: N/A

DATE: 4/26/2023

DESIGN:
N/A

DRAWN:
OPG

CHECKED:
ALB

CESO

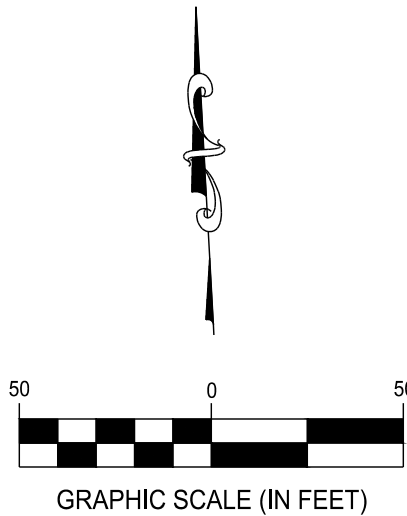
WWW.CESOINC.COM

JOB NO.:
761424

SHEET NO.:
2 OF 5

CONCORD CROSSING EAST
PHASE 4

STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN,
FARM LOT 2, QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST,
UNITED STATES MILITARY LANDS



VILLAGE OF JOHNSTOWN
IN. 201610130022455
3.065 ACRES

HEALTHY REALTY INVESTMENTS LLC
IN. 201802210003257
28.565 ACRES

ATRIUM REAL ESTATE II LLC
IN. 200512200040223
48.439 ACRES

3/4" IPF "HOCKADEN"

3/4" IPF "HOCKADEN"

20' EMERGENCY VEHICLE
ACCESS ESMT.
SEE NOTE "G"

RESERVE "A"
SEE NOTE "F"
6.184 AC

CANNONDALE AVENUE
(60' R/W)

SEE SHEET 4

SEE SHEET 5

DOUGLAS AVENUE
P.B. 14, PG. 141-147

EVANS FOUNDATION BIKE PATH / T.J. EVANS TRAIL
N 53° 17' 12" W 1724.42'
O.R. 62, PG. 243

TYLER PLACE
(60' R/W)
P.B. 14, PG. 141-147

CESO IRON PIN LEGEND

- ⊙ IRON PIN FOUND AS DESCRIBED
- ⦿ IRON PIN TO BE SET (5/8"x30" REBAR W/ CESO CAP)
- △ MAG NAIL SET
- PERMANENT MARKER SET (1"x30" REBAR W/ ALUMINUM CESO CAP)
- IRON PIPE FOUND

EASEMENT LEGEND

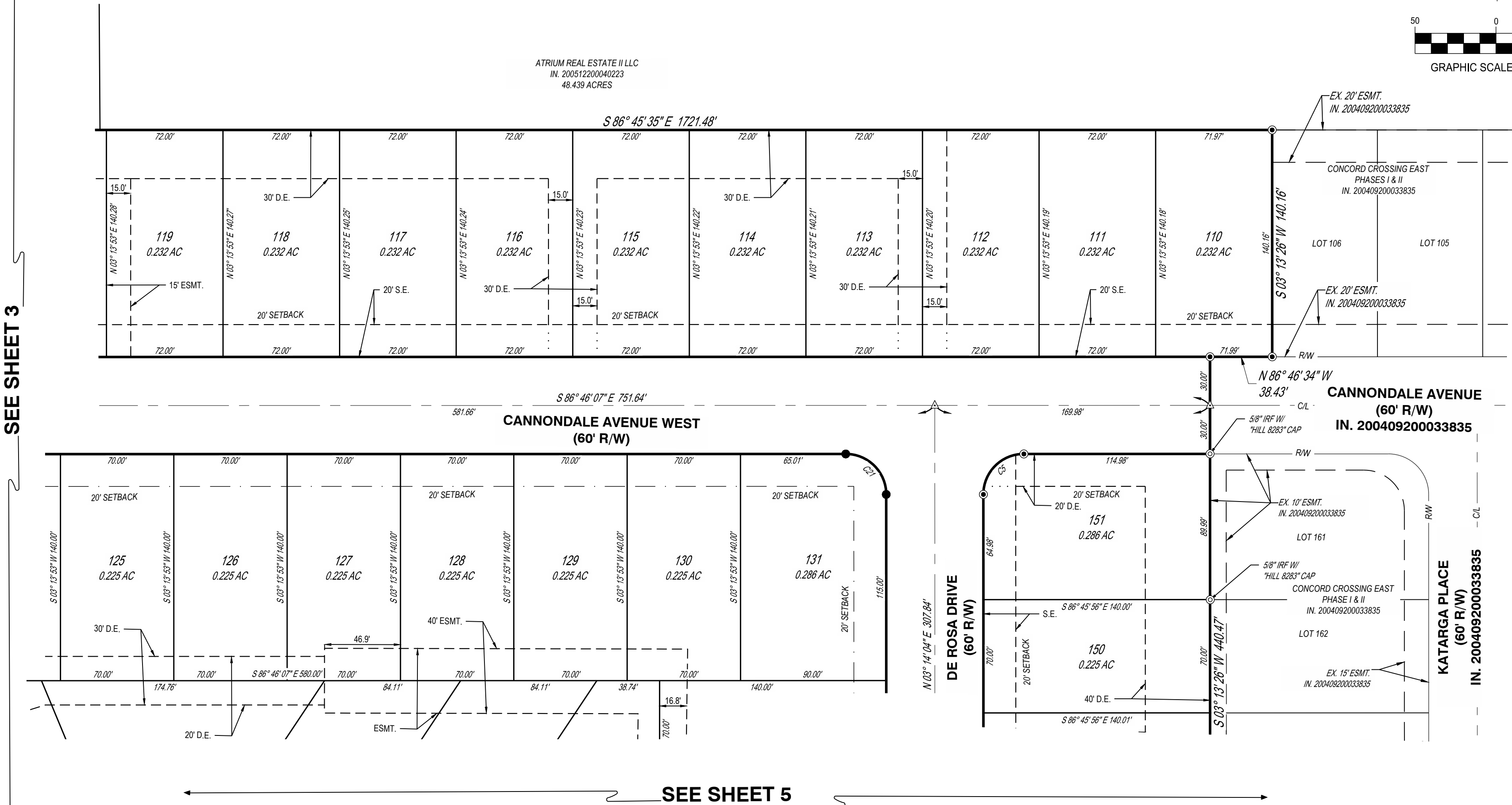
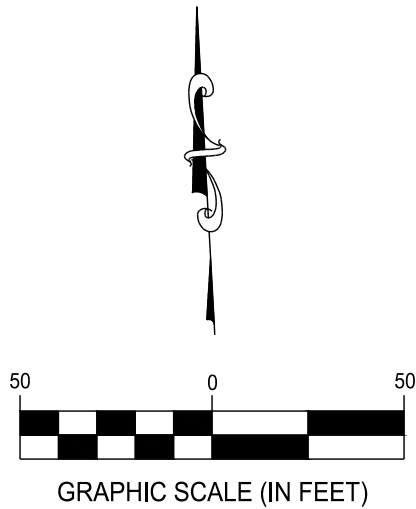
- D.E.=DRAINAGE EASEMENT
- S.E.= SANITARY EASEMENT
- ESMT.= EASEMENT

* 124 = PROPOSED LOT NUMBERS

CONCORD CROSSING EAST PHASE 4

CITY OF JOHNSTOWN		LICKING COUNTY, OHIO	
SCALE: 1"=50'		DATE: 4/26/2023	
DESIGN: N/A	 WWW.CESOINC.COM	JOB NO.: 761424	SHEET NO.: 3 OF 5
DRAWN: OPG			
CHECKED: ALB			

CONCORD CROSSING EAST
PHASE 4
STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN,
FARM LOT 2, QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST,
UNITED STATES MILITARY LANDS



- CESO IRON PIN LEGEND
- ⊙ IRON PIN FOUND AS DESCRIBED
 - IRON PIN TO BE SET (5/8"x30" REBAR W/ CESO CAP)
 - △ MAG NAIL SET
 - PERMANENT MARKER SET (1"x30" REBAR W/ ALUMINUM CESO CAP)
 - IRON PIPE FOUND

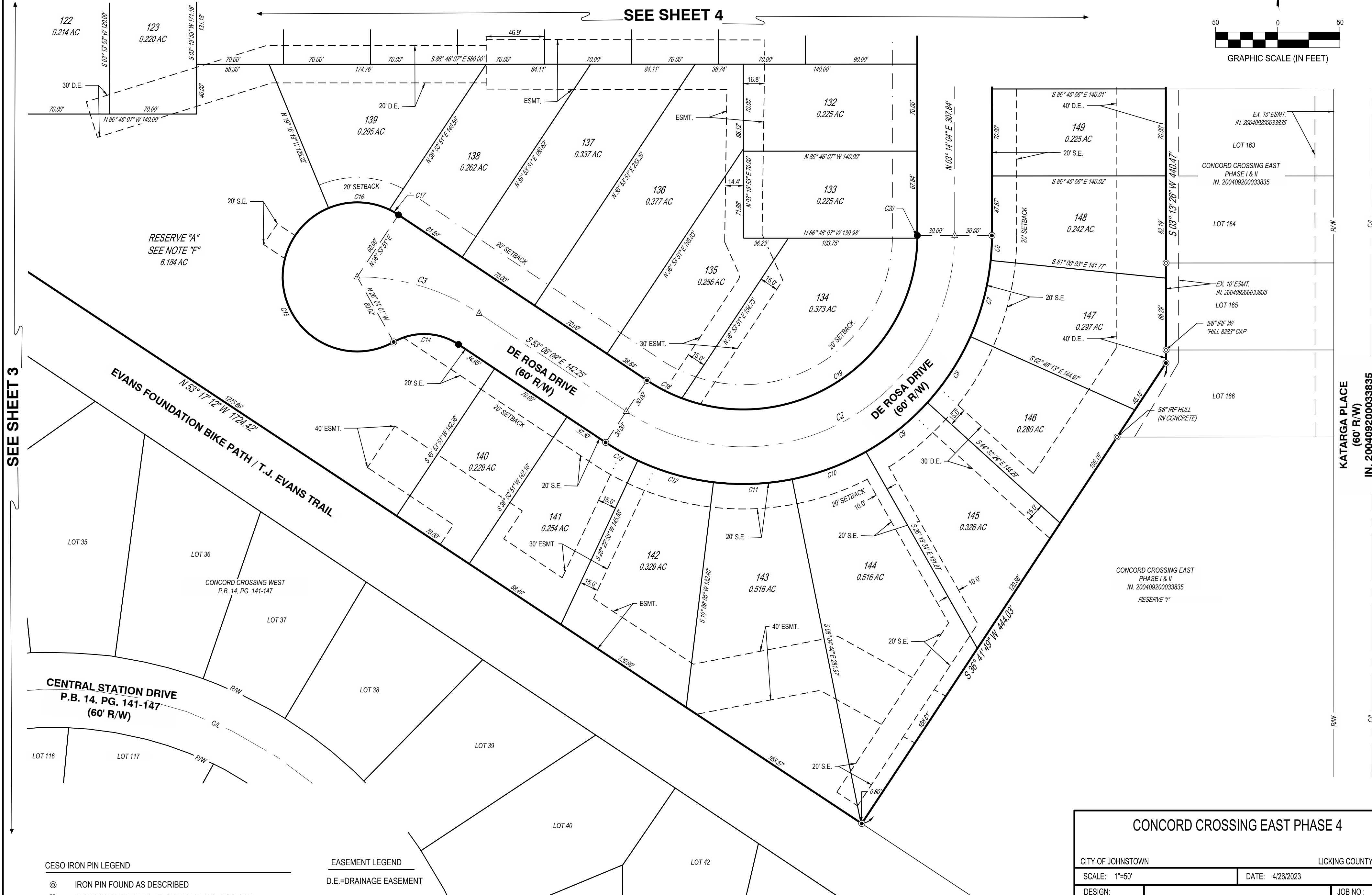
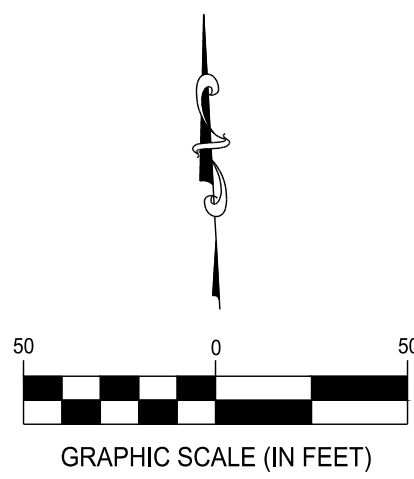
- EASEMENT LEGEND
- D.E.=DRAINAGE EASEMENT
 - S.E.= SANITARY EASEMENT
 - ESMT.= EASEMENT
 - * 124 = PROPOSED LOT NUMBERS

CONCORD CROSSING EAST PHASE 4		
CITY OF JOHNSTOWN		LICKING COUNTY, OHIO
SCALE: 1"=50'	DATE: 4/26/2023	
DESIGN: N/A	 WWW.CESOINC.COM	JOB NO.: 761424
DRAWN: OPG		SHEET NO.: 4 OF 5
CHECKED: ALB		

CONCORD CROSSING EAST
PHASE 4

STATE OF OHIO, COUNTY OF LICKING, CITY OF JOHNSTOWN,
FARM LOT 2, QUARTER TOWNSHIP 4, TOWNSHIP 3 NORTH, RANGE 15 WEST,
UNITED STATES MILITARY LANDS

SEE SHEET 4



SEE SHEET 3

KATARGA PLACE
(60' R/W)
IN. 200409200033835

CESO IRON PIN LEGEND

- ⊙ IRON PIN FOUND AS DESCRIBED
- ⦿ IRON PIN TO BE SET (5/8"x30" REBAR W/ CESO CAP)
- ▲ MAG NAIL SET
- PERMANENT MARKER SET (1"x30" REBAR W/ ALUMINUM CESO CAP)
- IRON PIPE FOUND

EASEMENT LEGEND

- D.E.=DRAINAGE EASEMENT
- S.E.= SANITARY EASEMENT
- ESMT.= EASEMENT
- * 124 = PROPOSED LOT NUMBERS

CONCORD CROSSING EAST PHASE 4

CITY OF JOHNSTOWN		LICKING COUNTY, OHIO	
SCALE: 1"=50'		DATE: 4/26/2023	
DESIGN:	N/A	JOB NO.:	761424
DRAWN:	OPG	SHEET NO.:	5 OF 5
CHECKED:	ALB		





RESOLUTION 2023-20

**RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF JOHNSTOWN
AND SCHLABACH BUILDERS, LTD. FOR CONCORD CROSSING EAST**

WHEREAS, the City of Johnstown has come to an agreement with Schlabach Builders for additional phases to Concord Crossing East; and

WHEREAS, Schlabach Builders has agreed to the terms and conditions as shown in the attached exhibit dated February 28, 2023; and

WHEREAS, at the June 27, 2023 Planning & Zoning meeting, Commissioners approved the agreement with Schlabach Builders.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Johnstown, Licking County, State of Ohio, that:

SECTION I: The City of Johnstown Council approves the agreement attached, dated February 28, 2023, for conditional approval of Concord Crossing East.

SECTION II: It is found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date of Introduction/Public Hearing/Vote: July 5, 2023

By: _____

Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

Teresa Monroe, Clerk of Council

Yazan Ashrawi, Law Director

February 28, 2023

City of Johnstown, Ohio
c/o Sean Staneart, City Manager
c/o Donald Barnard, Mayor
599 S. Main Street
Johnstown, OH 43031

Re: Additional Phases to Concord Crossing East

Dear Mr. Staneart and Mr. Barnard:

I am writing regarding our ongoing negotiations for the possible development of additional phases to Concord Crossing East, a residential development along Concord Road in Johnstown, Ohio. Specifically, Schlabach Builders, Ltd. plans to purchase 64.547 acres, known as Parcel No. 053-173502-00.000, Licking County, Ohio, currently owned by Johnstown Land Holdings, LLC. Said property would be developed into three additional phases of residential homes, with 153 total buildable lots.

I understand the City has conditioned the approval of the preliminary plat of said development on the following:

1. The terms of the Tree Removal Permit Letter Agreement between the parties dated February 27, 2023, a copy of which is attached as Exhibit A and incorporated herein by reference.
2. Schlabach Builders will contribute \$525,000.00 to the City for the purposes of extending and improving East Douglas Street. Schlabach Builders will have no further responsibility for said improvements, including without limitation: no duty to obtain bids, participate in the construction of said improvements or contribute any additional capital in excess of the referenced amount, regardless of the cost of said improvements.
3. Schlabach Builders will contribute \$100,000.00 to the City for the purpose of constructing an additional left turning lane from the southeast bound lane of South Main Street to the eastbound lane of Concord Road NW. Schlabach Builders will have no further responsibility for said improvements, including without limitation: no duty to obtain bids, participate in the construction of said improvements or contribute any additional capital in excess of the referenced amount, regardless of the cost of said improvements.
4. Schlabach Builders will be responsible and pay for the construction of a paved emergency access connecting the subdivision to the bike path. Said emergency access will be wide enough to accommodate emergency vehicles, not to exceed twenty feet (20') in width, with no curb or gutter.

5. Schlach Builders will acquire future phase developer rights from Johnstown Investments, LLC, and annex the property to the current Concord Crossing East subdivision.
6. Schlach Builders will convey to the City by Quit Claim Deed the triangular shaped parcel in the northwest corner of the property, being approximately 0.463 acres, more or less, as depicted on Exhibit B attached hereto, for no consideration.
7. Schlach Builders will convey to the City an Option to Purchase approximately 6.18 acres, more or less, depicted as 'Reserve A' on the attached Exhibit B. Said Option to Purchase shall be for a term of fifty (50) years from the date the Option Agreement is recorded. If City elects to exercise said Option to Purchase, the purchase price shall be One and no/100 Dollars (\$1.00).
8. Schlach Builders will grant to the City an easement to install pipelines and other facilities through said Reserve A to discharge water runoff and drainage into the stormwater facilities of subdivision, along with an easement for ingress and egress to construct, maintain, repair, replace and remove said facilities. The terms of said easement and exact location of said facilities shall be mutually agreed upon by the parties. Schlach Builders will have no responsibility for the installation of said facilities, including without limitation: no duty to obtain bids, participate in the construction of said facilities or contribute any capital towards the cost of said construction.
9. Schlach Builders will be responsible and pay for the construction of an expanded recreational area of Concord Crossing East. Said expansion will include: an additional inground pool of substantially similar size to the current pool, an open-air shelter house with two bathrooms, pickleball court and an additional paved parking area.
10. Schlach Builders will adopt the Declarations of Concord Crossing East, as amended, and encumber the property with said Declarations. The Declarations will specifically include the following: residences built on corner lots shall have concrete foundations on the front and sides of said residences covered by stone veneer or brick.

I understand the above to be the extent of the requirements and the City will require no further action or capital contribution for the approval of the preliminary plat for said contemplated development. I further understand the undersigned representatives have authority to bind the City. If accepted and approved, please sign where indicated below.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
SCHLABACH BUILDERS, LTD.

Roy A. Schlach
Its Authorized Member

ACCEPTED AND APPROVED:

Sean Staneart, City Manager

Donald Barnard, Mayor

Exhibit A

February 27, 2023

**City of Johnstown, Ohio
c/o Sean Staneart, City Manager
c/o Donald Barnard, Mayor
599 S. Main Street
Johnstown, OH 43031**

Re: Additional Phases to Concord Crossing East

Dear Mr. Staneart and Mr. Barnard:

I am writing regarding our ongoing negotiations for the possible development of additional phases to Concord Crossing East, a residential development along Concord Road in Johnstown, Ohio. Specifically, Schlabach Builders, Ltd. plans to purchase 64.547 acres, known as Parcel No. 053-173502-00.000, Licking County, Ohio, currently owned by Johnstown Land Holdings, LLC. Said property would be developed into three additional phases of residential homes, with 153 total buildable lots, as depicted on the attached illustration.

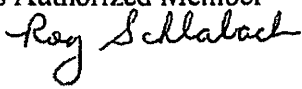
I understand the City has agreed to grant an exemption from the tree permit application, as outlined in Johnstown City Codified Ordinance 1183.05, on the following conditions:

- 1. Schlabach Builders will plant street trees with 2"- 2.5" diameter along all streets within the additional phases of said subdivision, to be in 26'-35' feet intervals.**
- 2. Schlabach Builders mitigates tree removal by planting 200 trees with 1.5"-2" diameter in addition to the street trees referenced above. Approximately 150 of said additional trees will be planted on the lots and reserve areas of the additional phases and approximately 50 may be located in existing phases of Concord Crossing East, including its reserve areas and green spaces, in coordination with the homeowner's association.**
- 3. Schlabach Builders pays a Tree Replacement Fee of \$10,000.00 to the Memorial Tree Fund adopted by Johnstown City Council.**

I understand the above to be the extent of the requirements for the tree permit process. I further understand the undersigned representatives have authority to bind the City. If accepted and approved, please sign where indicated below.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
SCHLABACH BUILDERS, LTD.

Roy A. Schlabach
Its Authorized Member


ACCEPTED AND APPROVED:

Sean Staneart, City Manager

Donald Barnard, Mayor

