Regular Council Meeting
Tuesday, September 3, 2024 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Approval of Agenda
6. Citizen comments on matters not on the agenda
7. MKSK Design Guidelines Proposal
   a. Proposal
8. Council Committee reports
   a. **Planning & Zoning:** 8/27/24 canceled; Next 9/10/24 @ 6:30 pm Council Chambers
   b. **Design Review Board:** Met 8/27/24; Next 9/10/24 @ 5:00 pm Council Chambers
   c. **Finance:** 9/3/24; Next 9/17/24 @ 5:00 pm council chambers
   d. **Safety & Service:** 9/3/24; Next 10/1/24 @ 5:30 pm council chambers
9. Director Reports
   a. Service Departments: Water, Sewer, Street
   b. Service Director
10. Council decision on Zoning Map Amendment - TABLED June 18, 2024
11. Tabled Legislation
    a. **RESOLUTION 2024-31** RESOLUTION TO CREATE THE TOWNSHIP LIAISON COMMITTEE AND APPOINT MEMBERS
12. Public Hearings of Legislation
    a. **ORDINANCE 21-2024** AN ORDINANCE TO ACCEPT CONVEYANCE OF RIGHT-OF-WAY, AND UTILITY AND STREETSCAPE EASEMENTS, ALONG DUNCAN PLAINS AND CLOVER VALLEY ROAD.
    b. **ORDINANCE 22-2024** AN ORDINANCE TO REALIGN PERMANENT APPROPRIATIONS BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND AND AMENDING ORDINANCE 24-2023, TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS
    c. **RESOLUTION 2024-33** A RESOLUTION ACCEPTING AN ANNEXATION OF 11.2 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN
    d. **RESOLUTION 2024-34** A RESOLUTION ACCEPTING AN ANNEXATION OF 6.5 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN

13. Introduction of Legislation
    a. **ORDINANCE 23-2024** AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING FOR THE INNOVATION PARK DATA CENTER CAMPUS AND DECLARING IT AN EMERGENCY.
14. Other Business
    a. Set Trick-or-Treat Date/Time
15. Executive Session to discuss imminent court action
16. Adjourn

Next Council Meeting September 17, 2024

Project Name: Johnstown Design Guidelines

Project No.: cXXXXX

Date: 30 August 2024

To: City of Johnstown, c/o Sean Staneart

Principal: Chris Hermann, FAICP
Email: chermann@mkskstudios.com
Project Manager: Trevor Traphagen, AICP
Email: ttraphagen@mkskstudios.com

Description of Project:

MKSK will lead the creation of overarching design guidelines for the city of Johnstown. MKSK will work with the city staff and an Advisory Committee appointed by City Council. Recommended amendments will build upon community input received during the development of the *Johnstown Comprehensive Plan*. The goal of this effort is to provide more direction for the City and the Design Review Board in their evaluation and approval process. It is also intended to inform all parties (city, landowners, residents, businesses, developers, etc.) as to the design expectations of new development and rehabilitation within the city.

Study Focus:

Create Design Guidelines for Johnstown to implement the vision and goals of the community and recommendations of the *Johnstown Comprehensive Plan*. The Design Guidelines will focus on components such as:

- Buildings and Form | building-specific exterior standards – height and massing, materials, colors (primary, secondary, accent), storefronts, entrances, first-floor transparency, upper floors, signage for both renovations and new construction.
- Site Design | building setbacks and orientation, access and parking lot configurations, pedestrian way, lighting, trash/storage, landscape/screening

Scope of Work:

The following is the MKSK Team proposed Scope of Work:

Project Management

- MKSK will participate in regular Client Team meetings, likely every two weeks.
- MKSK will lead an Advisory Committee, with meetings to be held at approximately monthly intervals.
- MKSK personnel will attend meetings noted below in person at the City of Johnstown.
- Internal coordination of team and external communication with Client Team.

Advisory Committee Meetings

- As directed and discussed, the Advisory Committee is expected to be very engaged in the process. Advisory Committee meetings will be held across the arc of the project. Each meeting will generally consist of an overview of activities, a sharing of findings from the previous month's assignment, facilitated discussion, and an overview of the next month's assignment.

Task 1/Meeting #1 | Project Overview

- MKSK will assemble project materials and a project introduction/overview presentation. This will include maps, graphics, photos, and highlight the project objectives, project geography, expected participation, and first assignment.
- MKSK will develop and review a Committee assignment to help define the character of Johnstown.

Task 2/Meeting #2 | Defining Johnstown Character

- Committee members will share their photos and notes regarding character defining elements of Johnstown. These elements will help influence the design of sites, buildings, streets, and gateways. Committee members will be asked to provide "good" examples of Johnstown character (existing, past, future), and examples of what to avoid. MKSK will also provide examples.
- MKSK will conduct an exercise with the Committee based upon this information.
- MKSK will assemble the assignment materials and meeting results into a draft section on Johnstown Character. This will include maps, graphics, and photos.
- MKSK will develop and review a Committee assignment to review peer community Design Guidelines.

Task 3/Meeting #3 | Peer Community Design Guidelines

- Committee members will share their takeaways from reviewing peer community design guidelines provided by MKSK. MKSK will facilitate a discussion on what sections best apply to Johnstown today.
- MKSK will work with the Committee to create an outline for the Johnstown Design Guidelines.
- MKSK will review the draft Johnstown Character section materials from Task 2 with the Committee.
- MKSK will develop and review a Committee assignment to add details to the Design Guidelines outline.

Task 4/Meeting #4 | Building the Design Guidelines

- MKSK will facilitate a discussion with Committee members to share their desired components for the design guidelines. MKSK will provide their input on the components.
- MKSK will work with the Committee to incorporate these components into a loose draft.
- MKSK will share an overview presentation of the process to-date with the City Council for their review and input.

Task 5 | Draft Design Guidelines

- MKSK will assemble draft Johnstown Design Guidelines based upon the materials co-created with the Advisory Committee. These guidelines will be illustrative with of narrative, maps, graphics, and diagrams to convey the guidelines clearly to the general public, city officials, and appointed boards.
- It is anticipated that these Guidelines will cover topics such Buildings and Form (building-specific exterior standards – height and massing, materials, colors (primary, secondary, accent), storefronts, entrances, first-floor transparency, upper floors, signage) for both renovations and new construction and for non-residential and residential structures, as well as Site Design (building setbacks and orientation, access and parking lot configurations, pedestrian way, lighting, trash/storage, landscape/screening).
- The draft Johnstown Design Guidelines will be shared with both the Advisory Committee, as well as the City Council, Design Review Board, and Planning Commission, for their review and comment.

Task 6/Meeting #5 | Review Draft Design Guidelines

- MKSK will convene a meeting with the Advisory Committee to review their comments on the draft Johnstown Design Guidelines.
- MKSK will share an overview of the draft materials with the City Council for their review and input.
- MKSK will make revisions based upon the preliminary feedback from the Advisory Committee, Design Review Board, Planning Commission, and City Council.
- MKSK will prepare a presentation summarizing the proposed design guidelines.

Task 7 | Finalization

- MKSK will present the proposed design guidelines to a joint meeting of the Design Review Board and Planning Commission.
- MKSK will take the information provided by those board members, make desired revision, and present the finalized draft to City Council.
- Final requested edits to the Johnstown Design Guidelines will be incorporated into final adoption materials by MKSK.

Deliverables:

- Assignment Materials and Summaries: Tasks 1-4.
- Meetings: Five (5) Advisory Committee meetings, one (1) joint Design Review Board/Planning and Zoning Commission meeting, two (2) City Council meetings.
- Materials: Johnstown Design Guidelines in a document format that can be adopted by reference in the codified ordinances (Chapter 1187) – this includes a guideline document and proposed language to amend Chapter 1187 to clarify the purview of the Design Review Board as it applies to the revised design guidelines.

Compensation:

Project Fee: $82,500	☐ Hourly	☒ Lump Sum
Additional Services Fee: NA	☐ Hourly	☐ Lump Sum
Project Expenses: Included in fee		
Total Project Fees: Not to exceed $82,500		

Authorization:

MKSK, Inc.: Date: 08/30/2024

Chris Hermann

Client: Date:

JOHNSTOWN
Established 1813

August 2024

Water Council Report

City of Johnstown
Administrative Offices
www.johnstownohio.org

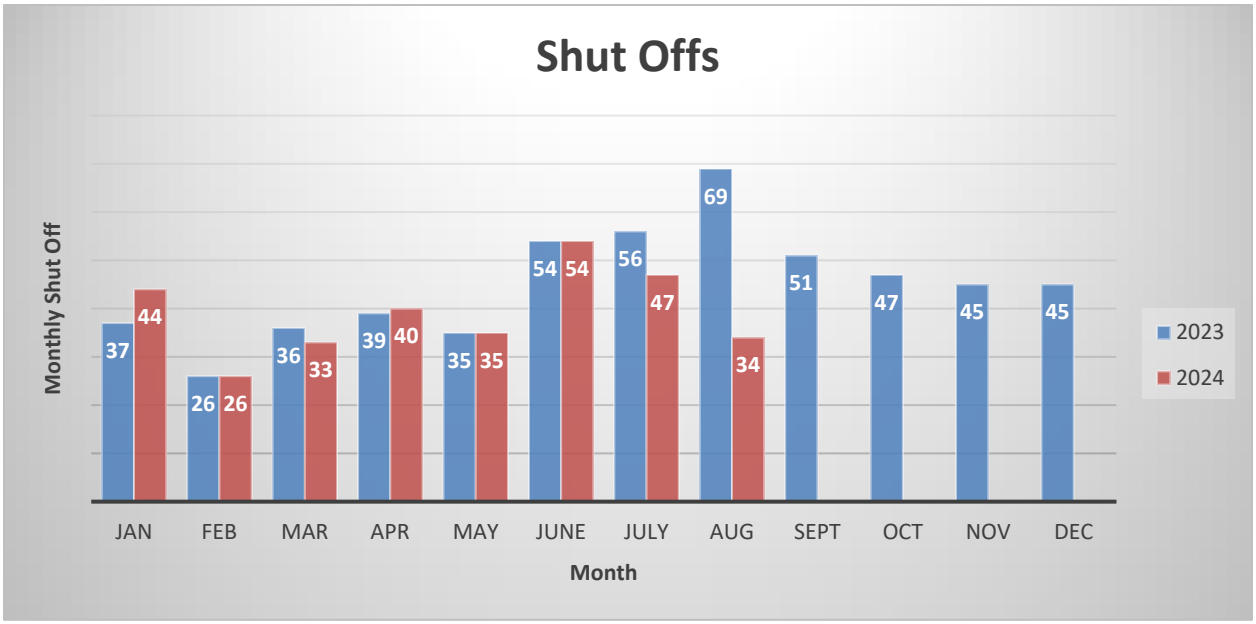
CITY OF JOHNSTOWN, OHIO

599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177
Fax: 740-967-3519

Water Plant August 2024

1) As of August 29th, the flow is 18.609 MG.
2) There were 34 shut offs.
3) Worked on work-orders.
4) The Water Department had 10 hours of training.
5) Water Plant personnel painted fire hydrants.
6) Tim Perry worked 4.5 hours for the Street Department.
7) We continued working on Lead Inventory for E.P.A.
8) Changed lime feeders, took #1 feeder out and put #2 lime feeder in service. We cleaned #1 feeder and the feed line.
9) Installed new bearings #1 lime feeder mixer.
10) Water Plant personnel went door to door to identify the service line material in the house for the EPA Lead Inventory.
11) On Friday 8-23-2024, met with Nikolaus Cross of 120Water on the Lead Inventory.
12) David Nichols relocated leak detection equipment for monitoring leaks in the system and found two leaks.

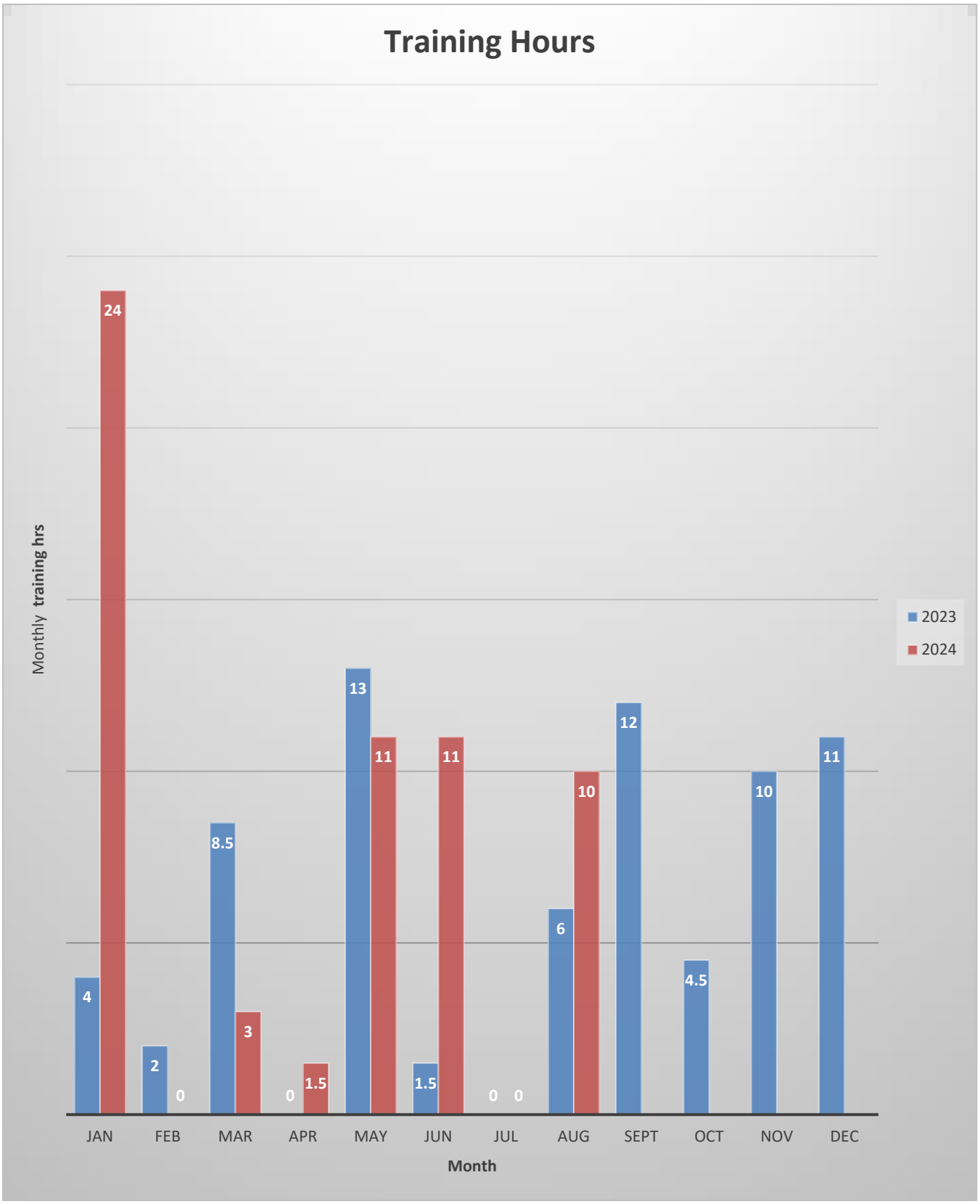
Thank you,
Terry Nichols
Chief Water Operator
City of Johnstown

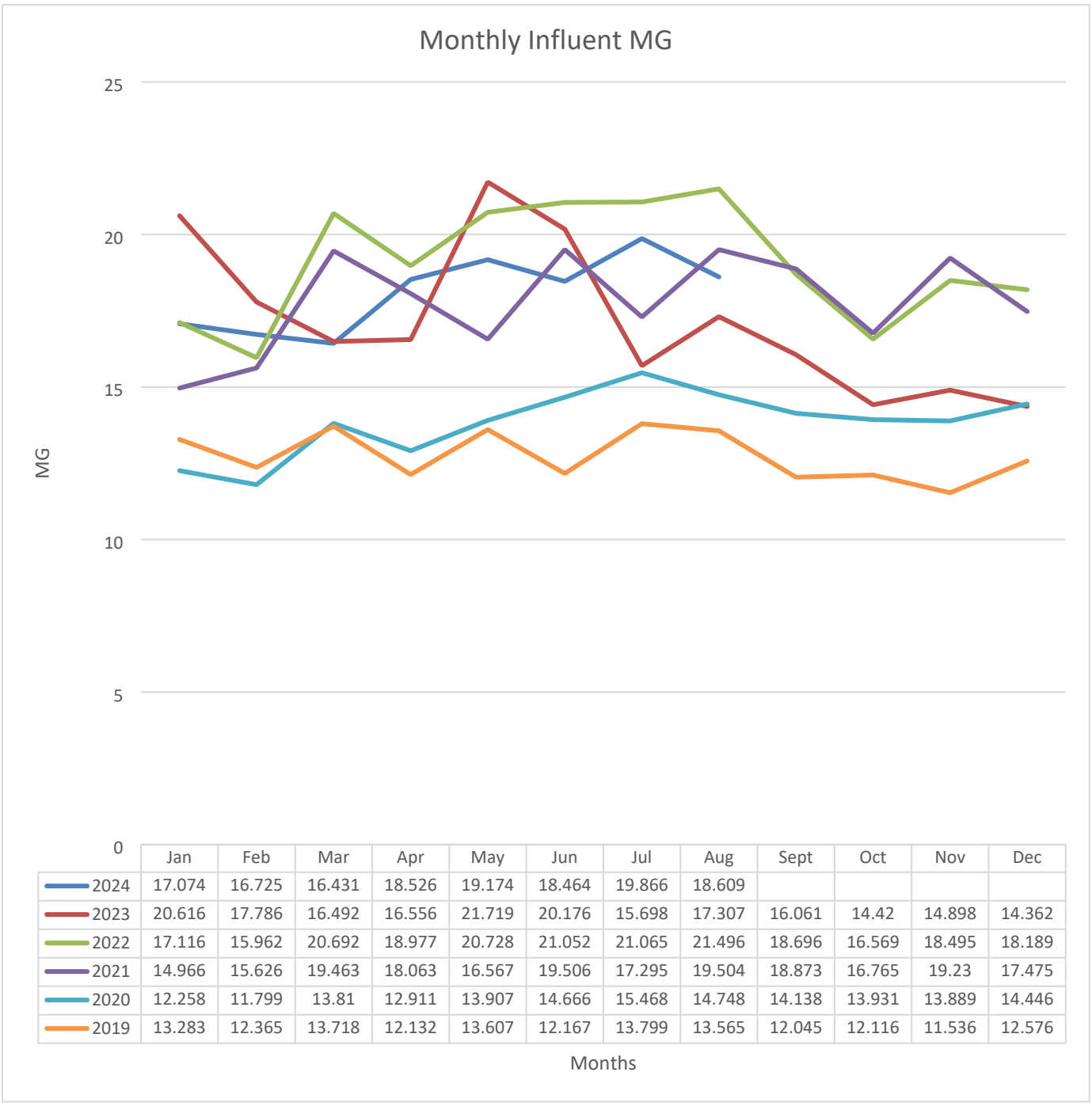


Daily Plant Tap Test Results

Date	PH	Phenol Alkalinity	Total Alkalinity	Total Hardness	Plant Tap Cl2		
					Free	Total	Combined
Aug-01	8.10	0	58	150	0.93	1.02	0.09
Aug-02	7.92	0	57	152	0.86	0.92	0.06
Aug-03	7.98	0	56	156	0.86	0.90	0.04
Aug-04	8.10	0	57	145	1.11	1.15	0.04
Aug-05	8.23	0	55	148	0.84	0.94	0.10
Aug-06	7.98	0	54	145	1.33	1.36	0.03
Aug-07	8.05	0	54	147	0.98	1.02	0.04
Aug-08	8.08	0	55	150	0.92	0.99	0.07
Aug-09	8.05	0	57	151	0.94	0.99	0.05
Aug-10	7.77	0	58	156	1.25	1.32	0.07
Aug-11	7.85	0	60	154	0.83	0.91	0.08
Aug-12	7.70	0	57	145	0.88	0.95	0.07
Aug-13	8.21	0	53	145	0.88	0.95	0.07
Aug-14	7.57	0	55	143	1.34	1.38	0.04
Aug-15	7.70	0	54	146	0.88	0.90	0.02
Aug-16	8.18	0	52	145	0.93	0.95	0.02
Aug-17	8.08	0	54	150	0.85	0.90	0.05
Aug-18	7.67	0	55	148	0.84	0.93	0.09
Aug-19	8.04	0	57	150	0.90	0.96	0.06
Aug-20	8.35	0	55	148	1.00	1.15	0.15
Aug-21	8.19	0	50	145	0.91	0.95	0.04
Aug-22	8.16	0	54	148	0.97	1.05	0.08
Aug-23	8.01	0	53	145	0.95	1.06	0.11
Aug-24	8.02	0	53	148	0.78	0.82	0.04
Aug-25	7.91	0	55	150	0.85	0.89	0.04
Aug-26	8.20	0	52	146	0.63	0.66	0.03
Aug-27	8.25	0	57	152	0.96	1.02	0.06
Aug-28	8.09	0	56	149	0.79	0.86	0.07
Aug-29	8.01	0	53	145	0.89	0.94	0.05
Aug-30	8.11	0	50	144	1.03	1.13	0.10
Aug-31							0.00
Average	8.02	0	55	148	0.94	1.00	0.06

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 training hrs
2023
2024
4
24
2
0
8.5
3
0
1.5
13
11
1.5
11
0
0
6
10
12
4.5
10
11
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEPT
OCT
NOV
DEC
Month

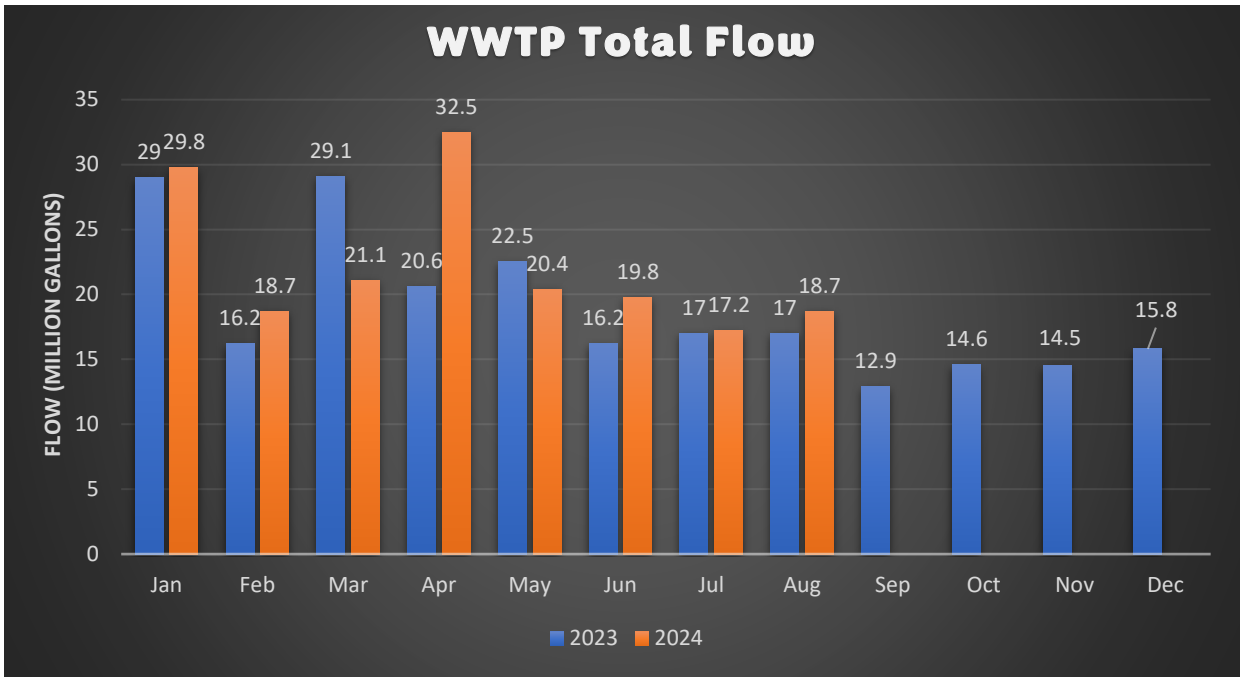


	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2024	17.074	16.725	16.431	18.526	19.174	18.464	19.866	18.609				
2023	20.616	17.786	16.492	16.556	21.719	20.176	15.698	17.307	16.061	14.42	14.898	14.362
2022	17.116	15.962	20.692	18.977	20.728	21.052	21.065	21.496	18.696	16.569	18.495	18.189
2021	14.966	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

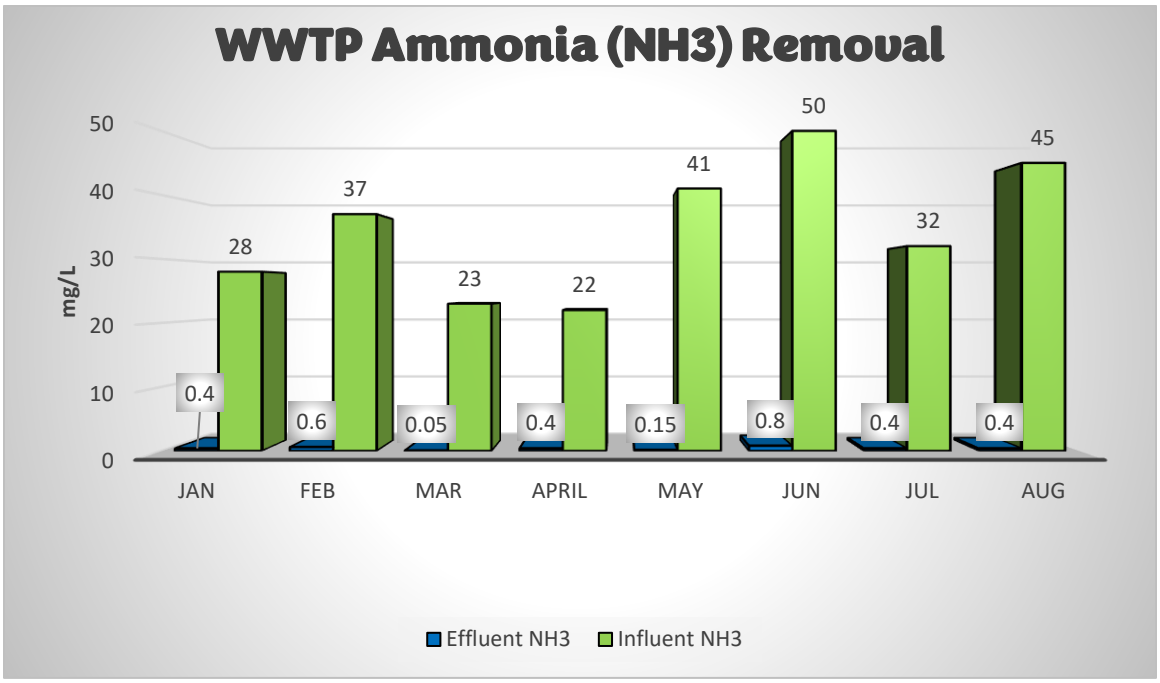
JOHNSTOWN
Established 1813

August 2024

Sewer Council Report

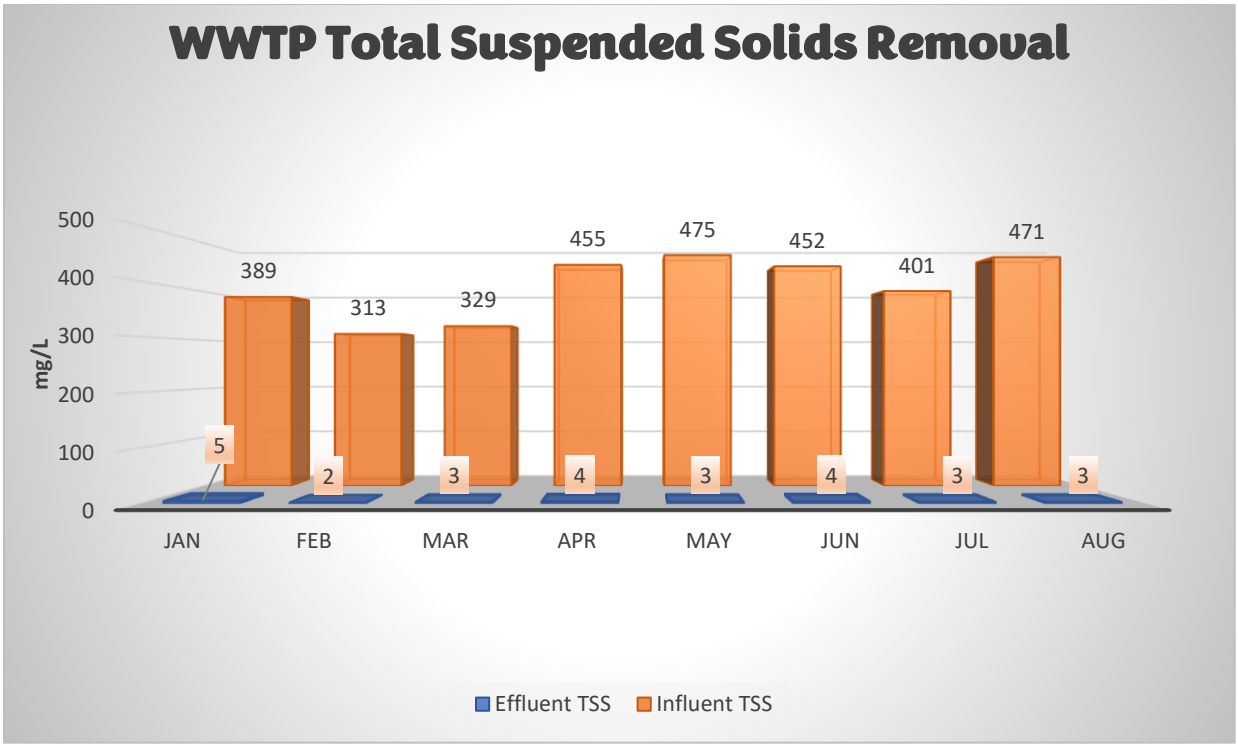


Plant Efficiency Charts



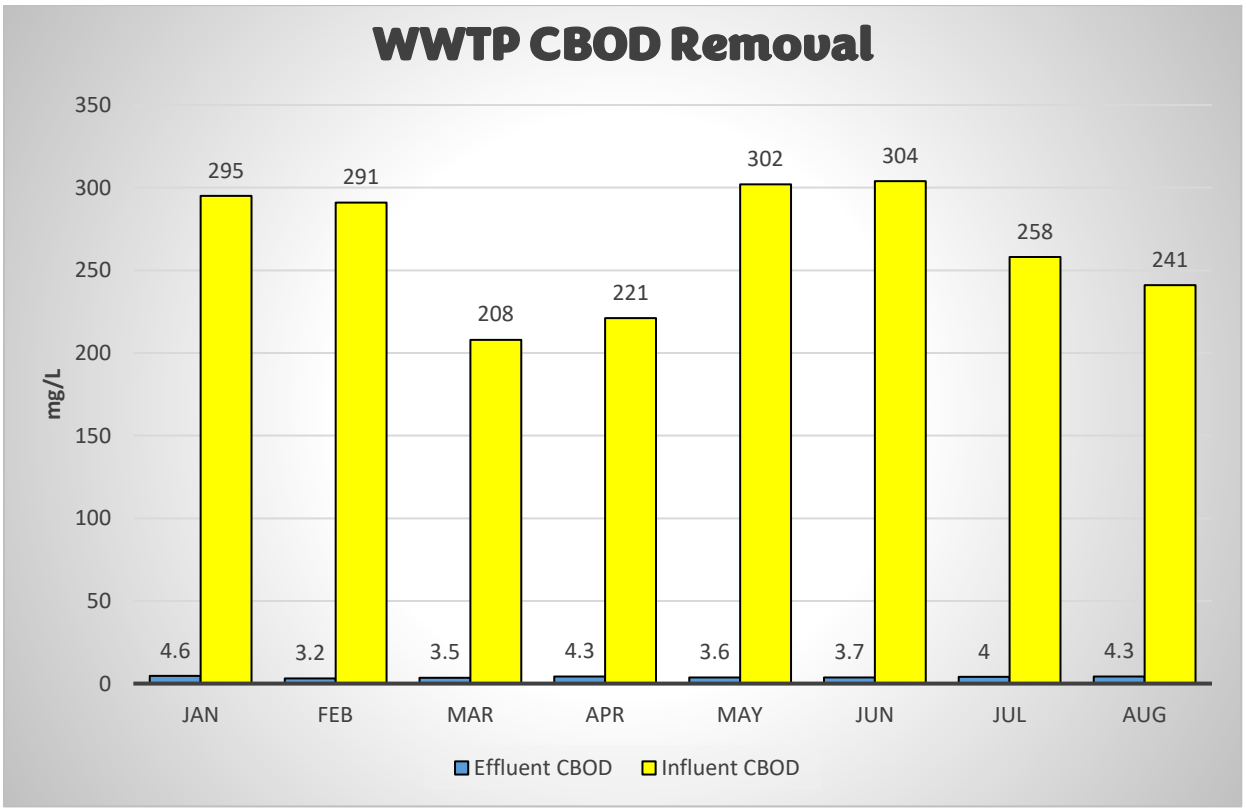
Average % of NH3 removed for the month = **99%**

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



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

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



Average % of BOD removed for the month = **98%**

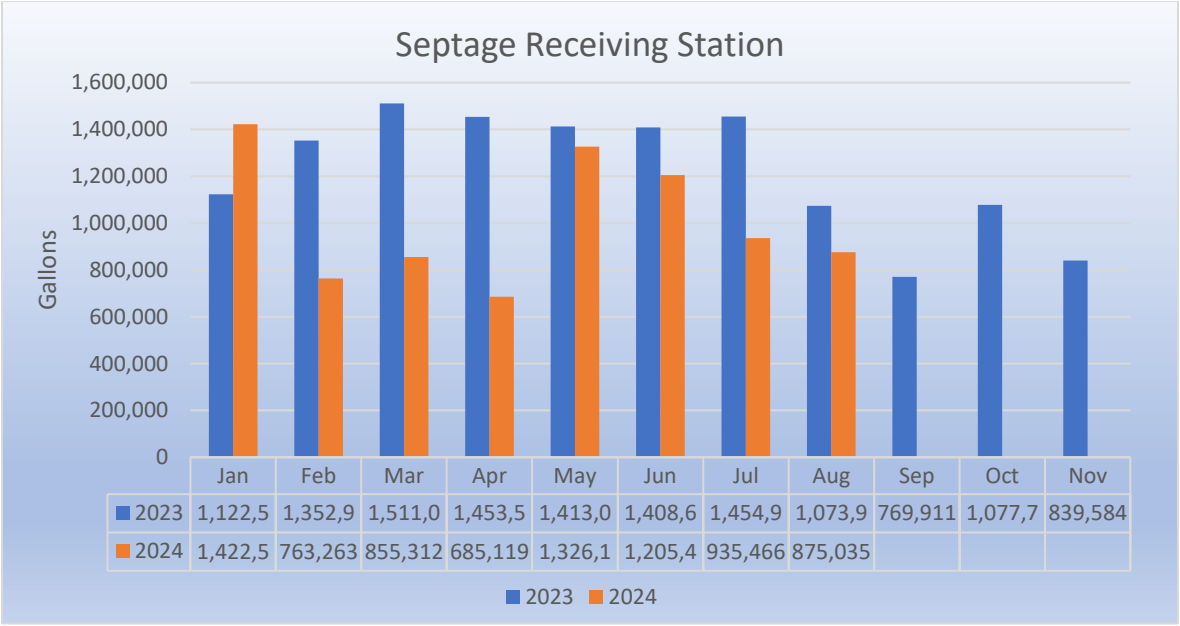
Discharge Limitations	Weekly- 15 mg/L Monthly- 10 mg/L

Work Highlights

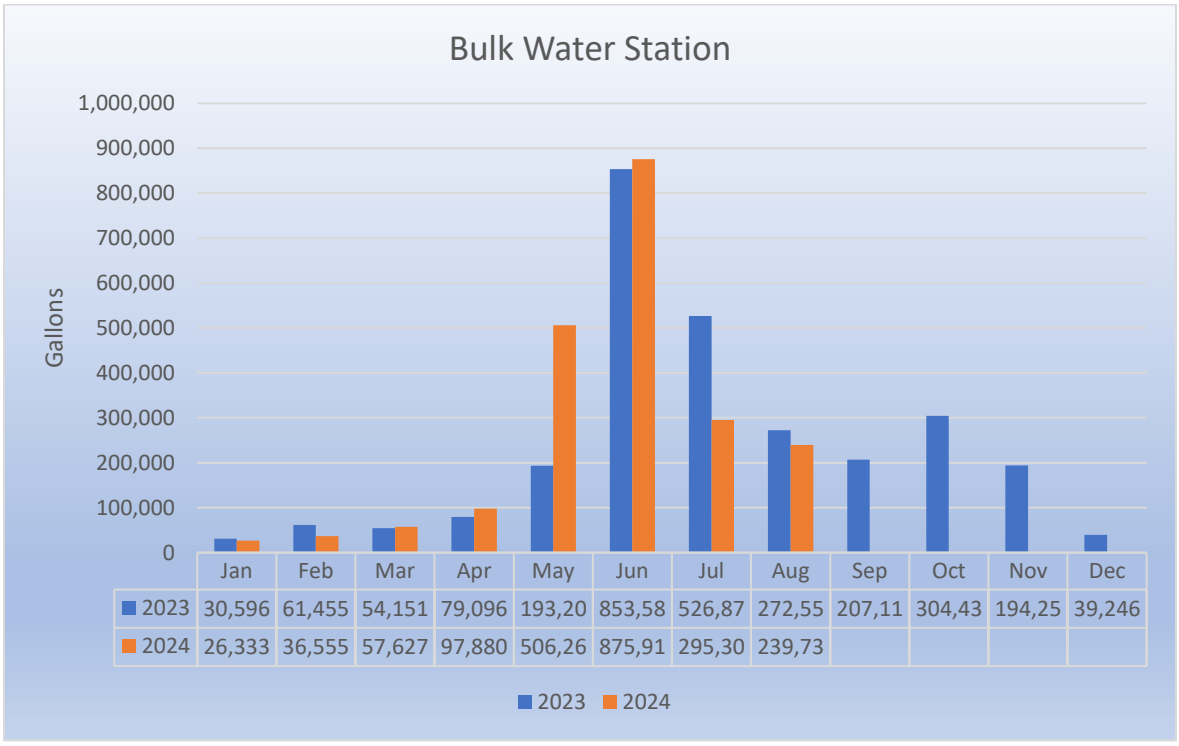
- Bioassay Testing
- Amount of sludge pressed (dewatered) – 214,317 gallons
- Routine plant operations and preventative maintenance

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.



JOHNSTOWN
Established 1813

Street Department Report

AUGUST 2024

City of Johnstown
Administrative Offices

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

Misc.

- Equipment maintenance, cleaning, and repairs
- Sign repair/replacement (as needed)
- repaired replaced multipule signs this month

Street Maintenance

- Street sweeping scheduled days
- Painted cross walks
- Fixed street lights on wiliams and jersey
- Fixed steet lights on jersey and main st
- Put in a new street sign at edwards and beuna vista

Water Maintenance

- Hauled lime
- Shut offs
- Water line repair

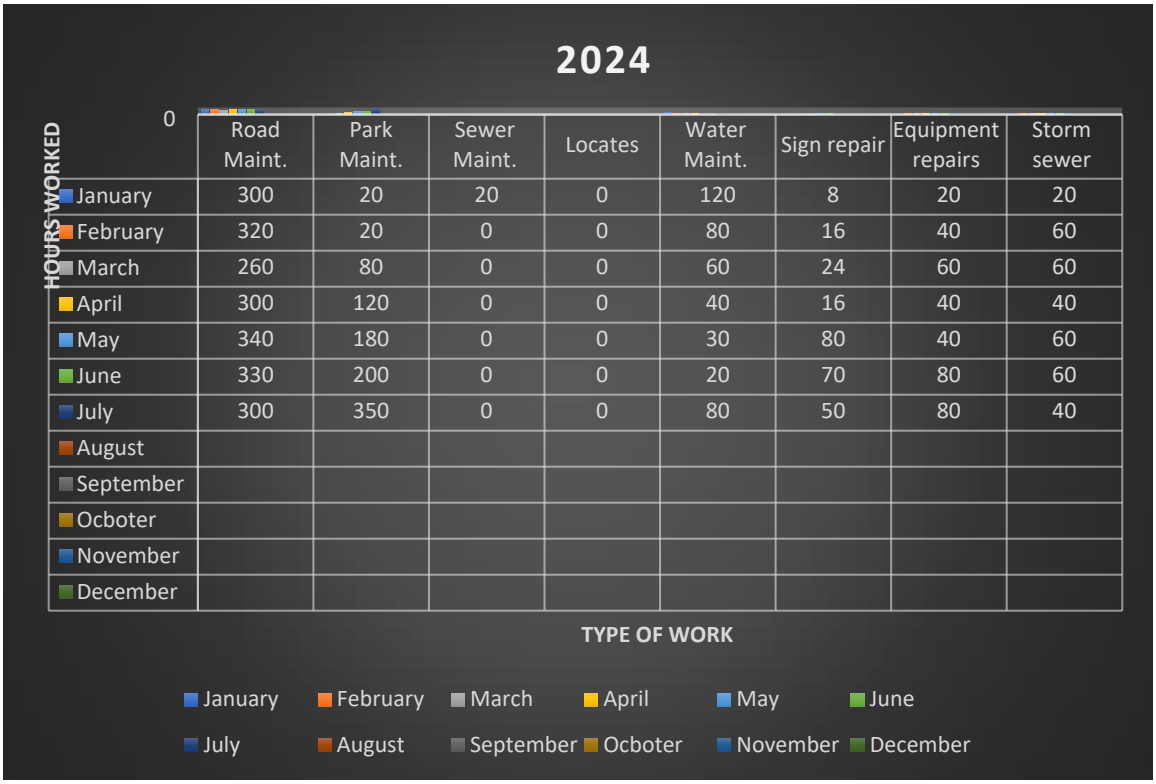
Stormwater Maintenance

- Inlet cleaning

Park Maintenance

- Trash pickup (weekly)
- Trail head toilet checked and cleaned (weekly)
- Mowed all parks, water tower, ped bridge, hillside,lift stations
- Spray weed killer around perimeter of the parks and cemetery

Sewer Maintenance



	Road Maint.	Park Maint.	Sewer Maint.	Locates	Water Maint.	Sign repair	Equipment repairs	Storm sewer
January	300	20	20	0	120	8	20	20
February	320	20	0	0	80	16	40	60
March	260	80	0	0	60	24	60	60
April	300	120	0	0	40	16	40	40
May	340	180	0	0	30	80	40	60
June	330	200	0	0	20	70	80	60
July	300	350	0	0	80	50	80	40
August								
September								
Ocboter								
November								
December								

Service Directors Report

8/29/2024

1) Water Plant Update – No new information

2) Wastewater Plant Update – Site borings are completed. Structural engineers were on site 8/28/24 reviewing the site.

3) Pulte Housing Project – New pumps are in the lift station and seem to be working well. I told Pulte we will trial run them until the end of September. I will also schedule a walk through early in September for the last section. If all is well, I will recommend Johnstown to except the project the first meeting in October.

4) Coughlin Apartments – There was a lot of work done this month. Dirt was being leveled and structures were being set to grade. Silt fence was restored.

5) Water Plant Department Grant – No new information

6) Source Water Assessment – No new information

7) High Service Pump – High service pump #1 is back in and running. Unfortunately, high service pump #2 failed this month and is in for repairs.

8) Leak Detection – Three additional water leaks have been found this month. The new leak detection equipment continues

to pay dividends. Two of the leaks are on the customers side and one is on the city side.

9) Road Mapping – Met with Councilman Selan 8/20/24 to discuss road conditions and mapping. Councilman Selan is working on a map covering all streets in Johnstown. This map will be color coded to give a visual illustration of road conditions.

City of Johnstown
Administrative Offices
johnstownohio.org

CITY OF JOHNSTOWN, OHIO

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

RESOLUTION 2024-31

RESOLUTION TO CREATE THE TOWNSHIP LIAISON COMMITTEE AND APPOINT MEMBERS

Whereas, Section 7.01 of the Charter of the City of Johnstown authorizes committees created by Council; and

Whereas, Section 3.04 of the Council Rules of Order (by Resolution 2019-16) redefined a Committee term as two consecutive Council terms (eight years); and

Whereas, Section 7.02 (h) of the Charter of the City of Johnstown says that no member of any committee shall serve on the same committee for more than two consecutive full terms (sixteen years); and

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

Section 1. The City Council herein approves the following committee, appointments and terms:

Township Liaison Committee: The Township Liaison Committee will meet with the goal of better communication and strengthening relationships between entities of the greater Johnstown area. Council approves Committee to meet as needed.

1. _____
2. _____
3. _____

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of 'this Resolution 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/Public Hearing/Vote: August 20, 2024 TABLED

By: _____

_____
Mayor Donald Barnard

ATTEST TO:

_____
Teresa Monroe, Clerk of Council

APPROVED AS TO FORM:

_____
Yazan Ashrawi, Law Director

DRAFT

City of Johnstown
Administrative Offices
www.johnstownohio.org

CITY OF JOHNSTOWN, OHIO

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

ORDINANCE 21-2024

AN ORDINANCE TO ACCEPT CONVEYANCE OF RIGHT-OF-WAY, AND UTILITY AND STREETSCAPE EASEMENTS, ALONG DUNCAN PLAINS AND CLOVER VALLEY ROAD

WHEREAS, the Johnstown Land Company ("Company") owns certain property adjacent to Clover Valley Road, and desires to convey such property as further described and depicted in the Limited Warranty Deed attached hereto as Exhibit A to the City of Johnstown ("the City") for use as public right-of-way; and

WHEREAS, Company owns certain property adjacent to Duncan Plains Road, over which it desires to convey to the City an easement for utility and streetscape purposes as described and depicted in the Utility and Streetscape Easement attached hereto as Exhibit B; and

WHEREAS, Company owns certain property over which it desires to convey to the City an easement for utility purposes as described and depicted in the Utility and Streetscape Easement attached hereto as Exhibit C; and

WHEREAS, this Ordinance constitutes an emergency measure necessary to provide for the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to permit the immediate commencement of arrangements for economic development and public infrastructure serving said development in the City of Johnstown;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOHNSTOWN, STATE OF OHIO:

SECTION 1. That Council does hereby accept the conveyance of property for public right-of-way as set forth in Exhibit A.

SECTION 2. That Council does hereby accept the conveyance of an easement for utility and streetscape purposes as set forth in Exhibit B.

SECTION 3. That Council does hereby accept the conveyance of an easement for utility purposes as set forth in Exhibit C.

SECTION 4. That the City Manager, Law Director, Clerk of Council, and other officials of the City are authorized to take such actions and to execute such documents as are necessary to effectuate this Ordinance.

DMS 43955181.3

SECTION 5. By reason of the emergency set forth in the preamble hereto, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Date of Introduction: August 20, 2024
Public Hearing/Vote: September 3, 2024
Effective Date:

By: _____ **_____**

Mayor Donald Barnard

ATTEST TO: **APPROVED AS TO FORM:**

_____ **_____**

Teresa Monroe, Clerk of Council **Yazan Ashrawi, Law Director**

DMS 43955181.3

Ord 21-2024 Exhibit A

LIMITED WARRANTY DEED
(O.R.C. 5302.07 - 5302.08)

KNOW ALL MEN BY THESE PRESENTS that **THE JOHNSTOWN LAND COMPANY LLC**, a Delaware limited liability company (the "**Grantor**"), for good and valuable consideration paid, grants, with limited warranty covenants, to **THE CITY OF JOHNSTOWN, OHIO**, an Ohio municipal corporation (the "**Grantee**"), whose tax-mailing address is 599 S. Main Street, Johnstown Ohio 43031, the real property more particularly described as follows:

> **Property**: Those certain tracts of real property comprised of 1.325± acres, 0.379± acre, and 0.833± acre, situated in the City of Johnstown, County of Licking, and State of Ohio, and being more particularly described on Exhibit A (the "**Property**") and depicted on Exhibit B, each of which are attached hereto and made a part hereof.
>
> **Tax Parcel Numbers**: 053-174138-00.002, 053-176178-00.000, 053-172752-00.000, 053-172752-00.002, 053-172752-00.003 and 053-172752-00.004.
>
> **Prior Instrument References**: Instrument Numbers 202407110011721, 202403250004814, 202312050022155, 202312050022158, 202403250004812 and 202403250004813, Recorder's Office, Licking County, Ohio.

THE PROPERTY IS INTENDED BY GRANTEE TO BE HELD FOR USE AS PUBLIC RIGHT-OF-WAY.

The conveyance made hereunder is subject to all covenants, conditions, easements, restrictions, reservations, and other matters of record in the Office of the Recorder, Licking County, Ohio.

[*SIGNATURE AND ACKNOWLEDGMENT ON THE FOLLOWING PAGE*]

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly authorized signatory to be effective as of the ____ day of _____, 2024.

GRANTOR:
THE JOHNSTOWN LAND COMPANY LLC,
a Delaware limited liability company

By:_____
Name: _____
Title: _____

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by _____, the _____ of The Johnstown Land Company LLC, a Delaware limited liability company, on behalf of the limited liability company. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

_____
NOTARY PUBLIC

My Commission Expires: _____

This instrument prepared by
and after recording return to:
The Johnstown Land Company LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054

Exhibit A

Legal Description of Property

See attached.

1.325 ACRES

Situated in the State of Ohio, County of Licking, City of Johnstown, lying Section 23, Township 3, Range 15, United States Military District, being part of that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155, part of that 5.133 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022158, part that 2.00 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004812 and part of that 2.00 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004813 (all references are to the records of the Recorder's Office, Licking County, Ohio), being more particularly described as follows:

BEGINNING at a railroad spike found in the centerline of Clover Valley Road (County Road 26), the line common to said Section 23 and Section 24 of said Township 3, at the southwesterly corner of said 107.577 acre tract, the northwesterly corner of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751, in the easterly line of that 5.0 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202306160010624;

Thence North 03° 08' 54" East, with the centerline of said Clover Valley Road, the line common to said Sections 23 and 24, the westerly lines of said 107.577 and 5.133 acre tracts, both said 2.00 acre Johnstown Land Company tracts, the easterly lines of said 5.0 acre tract, that 3.847 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202405080007645, that 1.083 acre tract conveyed to Joseph F. Boyle by deed of record in Instrument Number 199807090026055, that 4.2163 acre tract conveyed as Trac: II to MBJ Holdings, LLC by deed of record in Instrument Number 202209080022048, that 1.103 acre tract conveyed as Tract I to MBJ Holdings, LLC by deed of record in Instrument Number 202209080022048, that 1.103 acre tract conveyed as Parcel II and that 2.581 acre tract conveyed as Parcel I to MBJ Holdings, LLC by deed of record in Instrument Number 202209080022047, that 1.612 acre tract conveyed to Gary Grove and Pamela Grove by deed of record in Deed Book 380, Page 655, that 1.552 acre tract conveyed to Preston E. Grice, Trustee by deed of record in Instrument Number 201911270026490, that 5.101 acre tract conveyed to Michael Lee Wolff by deed of record in Instrument Number 201905240010073 and that 1.880 acre tract conveyed to Micheal J. Eckstein by deed of record in Deed Book 244, Page 463 (passing 1/2 inch solid iron pins found at distances of 174.17 and 294.48 feet (latter pin disturbed), a railroad spike found at a distance of 524.80 feet, a magnetic nail found at a distance of 801.21 feet, and railroad spikes found at distances of 824.24 and 854.23 feet), a total distance of 1443.35 feet to a magnetic nail set at the westerly common corner of said 107.577 acre tract and that 1.110 acre tract conveyed to Jared James Blinsky and Michelle Erin McMillen by deed of record in Instrument Number 200509120028508;

Thence South 86° 58' 27" East, with the line common to said 107.577 and 1.110 acre tracts (passing a 3/4 inch iron pin found at a distance of 30.17 feet), a total distance of 40.00 feet to an iron pin set;

Thence South 03° 08' 54" West, across said 107.577 acre tract, both said 2.00 acre tracts and that 5.133 acre tract, a distance of 1443.48 feet to an iron pin set in the line common to said 107.577 and 14.424 acre tracts;

Thence North 86° 47' 50" West, with said common line, a distance of 40.00 feet to the POINT OF BEGINNING, containing 1.325 acres, more or less, 0.266 acre of which lies within the present roadway occupied, 0.693 acre of which lies within Auditor's Parcel Number 053-172752-00.000, 0.312 acre of which lies within Auditor's Parcel Number 053-172752-00.002, 0.161 acre of which lies within Auditor's Parcel Number 053-172752-00.003 and 0.159 acre of which lies within Auditor's Parcel Number 053-172752-00.004.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Clover Valley Road (County Road 26), having a bearing of North 03° 08' 54" East, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Michael P. Peecook, Professional Surveyor Number 8711 in November of 2022, January and August of 2023 and March of 2024.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Michael P. Peecook — Date 05/09/2024
Professional Surveyor No. 8711

MPP:djf
1_325 ac 20240154-VS-BNDY-02.docx

0.379 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying Section 23, Township 3, Range 15, United States Military District, being part of that 5 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004814 and part of that 52.923 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202407110011721 (all references are to the records of the Recorder's Office, Licking County, Ohio), being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Duncan Plains Road NW (County Road 33) and Enterprise Drive of record in Instrument Number 202108250025817;

Thence North 60° 30' 23" West, with the centerline of said Duncan Plains Road NW, a distance of 438.95 feet to a magnetic nail set at the northeasterly corner of said 5 acre tract, the northwesterly corner of that 2.063 acre tract conveyed to Scott D. Crabtree and Tricia J. Crabtree by deed of record in Instrument Number 201707130014745, the southwesterly corner of that 13.916 acre tract conveyed to West Licking Properties LLC by deed of record in Instrument Number 202302230003176, the southeasterly corner of that 3.965 acre tract conveyed to Lynn A. Tice and Eleanor P. Tice by deed of record in Deed Book 552, Page 719, being the TRUE POINT OF BEGINNING;

Thence South 02° 54' 22" West, across said Duncan Plains Road NW and with the line common to said 5 and 2.063 acre tracts (passing a 3/4 inch iron pin found at a distance of 29.78 feet), a total distance of 55.91 feet to an iron pin set;

Thence across said 5 and 52.923 acre tracts, the following courses and distances:

North 60° 30' 23" West, a distance of 25.17 feet to an iron pin set; and

North 60° 11' 00" West, a distance of 305.06 feet to an iron pin set in a westerly line of said 52.923 acre tract, the easterly line of that 2.095 acre tract conveyed to Michael Paul Williams and Connie Sue Williams by deed of record in Deed Book 411, Page 106;

Thence North 02° 56' 47" East, with the line common to said 52.923 and 2.095 acre tracts, and across said Duncan Plains Road NW (passing a 5/8 inch iron rebar found at a distance of 22.54 feet), a total distance of 56.05 feet to a magnetic nail set at the northerly common corner thereof, in the centerline of said Duncan Plains Road NW, the southerly line of that 2.401 acre tract conveyed to Cory Linder and Jacqueline Kemper by deed of record in Instrument Number 201907240014984;

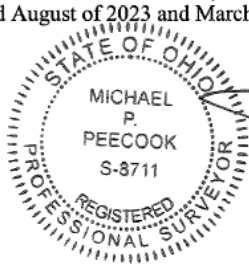
Thence South 60° 11' 00" East, with the centerline of said Duncan Plains Road NW, with a northerly line of said 52.923 acre tract, the northerly line of said 5 acre tract, the southerly line of said 2.401 acre tract and the southerly line of said 3.965 acre tract, a distance of 330.25 feet to the TRUE POINT OF BEGINNING, containing 0.379 acre, more or less, 0.089 acre of which is within Auditor's Parcel Number 053-174138-00.002, 0.290 acre of which is within Auditor's Parcel Number 053-176178-00.000 and 0.227 acre of which is within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Duncan Plains Road NW, having a bearing of South 60° 30' 23" East, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Michael P. Peecook, Professional Surveyor Number 8711 in November of 2022, January and August of 2023 and March of 2024.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

Michael P. Peecook
Professional Surveyor No. 8711

8/9/2024
Date

MPP:djf
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0.833 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying Section 23, Township 3, Range 15, United States Military District, being part of that 52.923 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202407110011721 (all references are to the records of the Recorder's Office, Licking County, Ohio), being more particularly described as follows:

BEGINNING at the centerline intersection of Duncan Plains Road NW (County Road 33) and Enterprise Drive (80 feet) of record in Instrument Number 202108250025817;

Thence with the centerline of right-of-way said Duncan Plains Road NW, the following courses and distances:

South 60° 30' 23" East, with the northerly line of said 52.923 acre tract, the southerly line of said Enterprise Drive (80 feet) and the southerly line of that 20.000 acre tract conveyed to MLKH Cobot Cove, LLC by deed of record in Instrument Number 202403190004505, a distance of 218.08 feet to a magnetic nail set; and

South 60° 16' 51" East, continuing with said northerly and southerly lines, a distance of 293.08 feet to a 3/4 inch iron pin found at the northeasterly corner of said 52.923 acre tract, the northwesterly corner of that 5.863 acre tract conveyed to John K. Scott by deed of record in Instrument Number 200507060020280, in the line common to said Section 23, and Lot 6 of the First Range of Lots, Quarter Township 4 of said Township 3;

Thence South 02° 48' 47" West, across said Duncan Plains Road NW and with the line common to said 52.923 and 5.863 acre tracts, the line common to said Section 23 and said Lot 6 (passing a 3/4 inch iron pin found at a distance of 32.75 feet), a total distance of 55.88 feet to an iron pin set;

Thence across said 52.923 acre tract, the following courses and distances:

North 60° 39' 47" West, a distance of 25.12 feet to an iron pin set;

North 60° 16' 51" West, a distance of 293.15 feet to an iron pin set; and

North 60° 30' 23" West, a distance of 407.80 feet to an iron pin set in the westerly line of said 52.923 acre tract, the easterly line of that 2.063 acre tract conveyed to Scott D. Crabtree and Tricia J. Crabtree by deed of record in Instrument Number 201707130014745;

Thence North 02° 59' 42" East, with the line common to said 52.923 and 2.063 acre tracts, and across said Duncan Plains Road NW (passing a 5/8 inch iron rebar capped "SA ENGLAND #7452" found at a distance of 22.49 feet), a total distance of 55.87 feet to a magnetic nail set at the northerly common corner thereof, in the centerline of said Duncan Plains Road NW, the southerly line of that 13.916 acre tract conveyed to West Licking Properties LLC by deed of record in Instrument Number 202302230003176;

Thence South 60° 30' 23" East, with the northerly line of said 52.923 acre tract, said centerline, the southerly line of said 13.916 acre tract and the southerly line of said Enterprise Drive, a distance of 214.75 feet to the POINT OF BEGINNING, containing 0.833 acre, more or less, all of which is within Auditor's Parcel Number 053-174138-00.002 and 0.500 acre of which is within the present roadway occupied.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings shown herein are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Duncan Plains Road NW, having a bearing of South 60° 30' 23" East, is designated as the "basis of bearings" for this survey.

This description is based on an actual field survey performed by or under the direct supervision of Michael P. Peecook, Professional Surveyor Number 8711 in November of 2022, January and August of 2023 and March of 2024.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Michael P. Peecook — Date 3/9/2024
Professional Surveyor No. 8711

MPP:djf
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Exhibit B

Depiction of Property

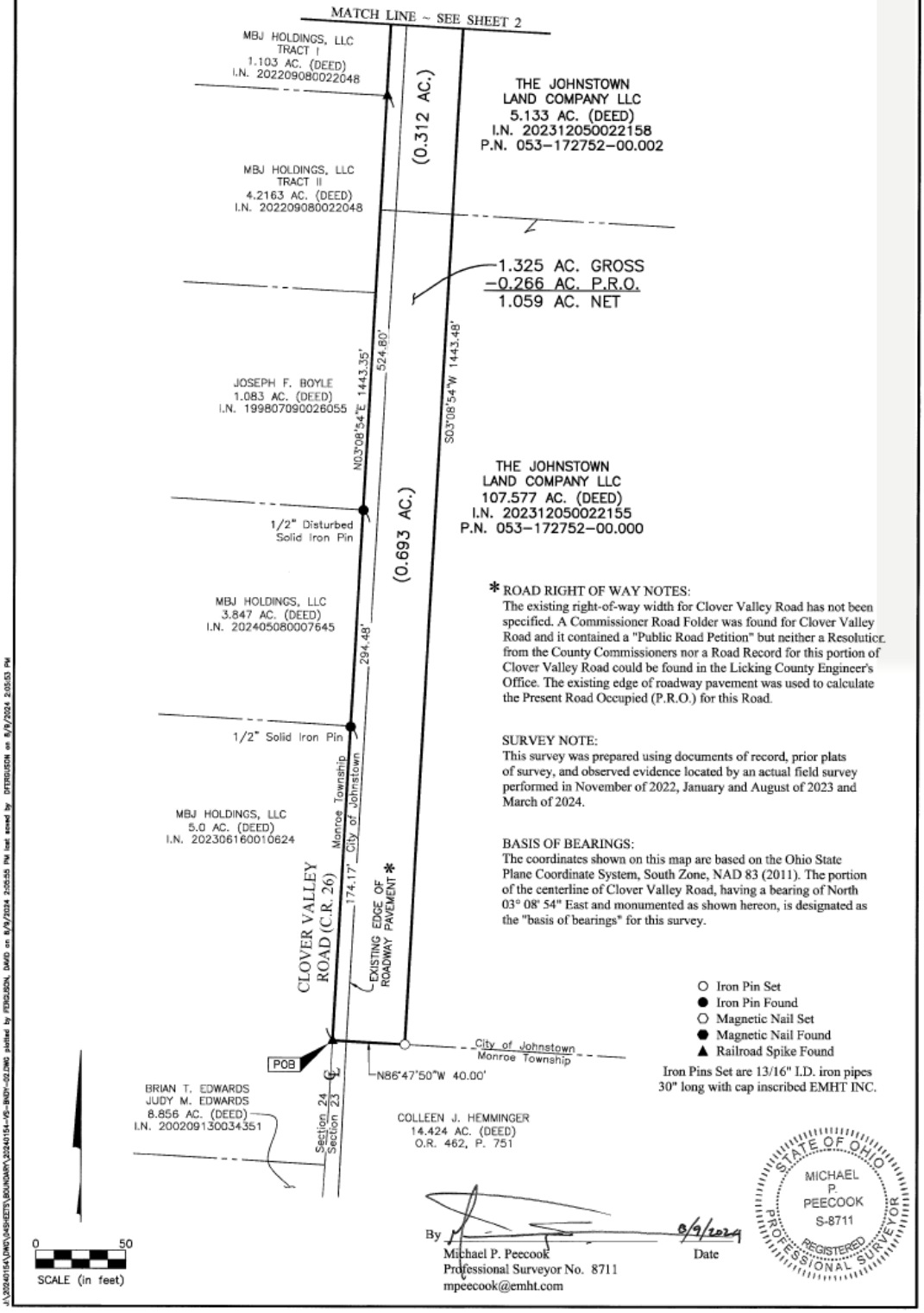
See attached.

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	Scale:	Job No:	Sheet No:
August 9, 2024	1" = 50'	2024-0154	1 of 3



* ROAD RIGHT OF WAY NOTES:
The existing right-of-way width for Clover Valley Road has not been specified. A Commissioner Road Folder was found for Clover Valley Road and it contained a "Public Road Petition" but neither a Resolution from the County Commissioners nor a Road Record for this portion of Clover Valley Road could be found in the Licking County Engineer's Office. The existing edge of roadway pavement was used to calculate the Present Road Occupied (P.R.O.) for this Road.

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in November of 2022, January and August of 2023 and March of 2024.

BASIS OF BEARINGS:
The coordinates shown on this map are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Clover Valley Road, having a bearing of North 03° 08' 54" East and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

- ○ Iron Pin Set
- ● Iron Pin Found
- ○ Magnetic Nail Set
- ● Magnetic Nail Found
- ▲ Railroad Spike Found

Iron Pins Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.

By _____ 8/9/2024
Michael P. Peecook Date
Professional Surveyor No. 8711
mpeecook@emht.com

STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED PROFESSIONAL SURVEYOR

J:\2024\2024-0154\DWG\04SHEETS\BOUNDARY\2024-0154-V5-BNDY-02.DWG plotted by FERGUSON, DAVID on 8/9/2024 2:05:55 PM last saved by FERGUSON on 8/9/2024 2:05:53 PM

EMH&T
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Engineers • Surveyors • Planners • Scientists
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Phone: 614.775.4500 Toll free: 888.775.3648
emht.com

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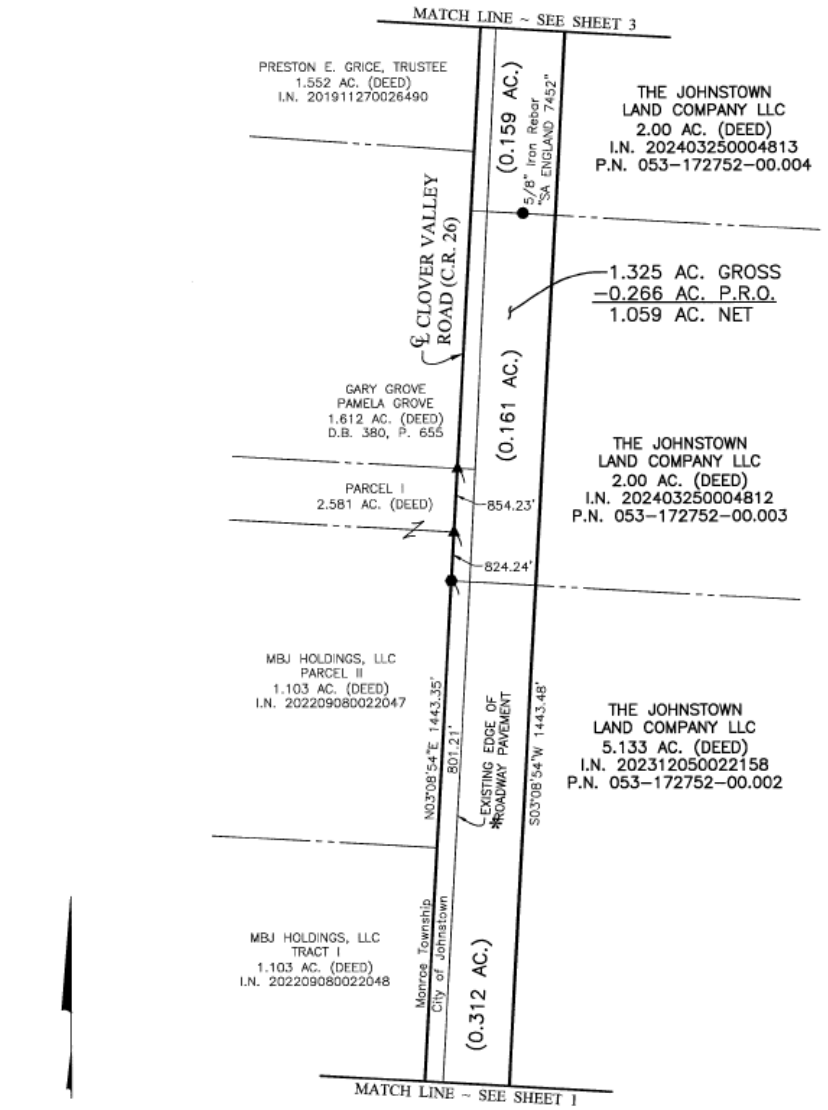
SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	Scale:	Job No:	Sheet No:
August 9, 2024	1" = 50'	2024-0154	2 of 3



- ○ Iron Pin Set
- ● Iron Pin Found
- ○ Magnetic Nail Set
- ● Magnetic Nail Found
- ▲ Railroad Spike Found

Iron Pins Set are 13/16" I.D. iron pipes
30" long with cap inscribed EMHT INC.

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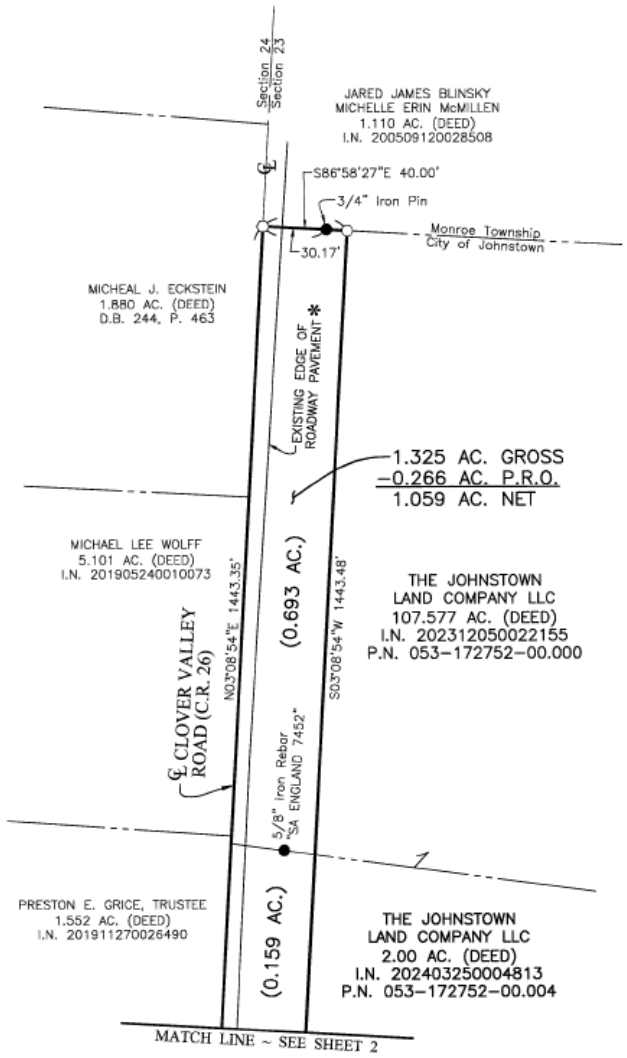
SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	Scale:	Job No:	Sheet No:
August 9, 2024	1" = 50'	2024-0154	3 of 3



0 50
SCALE (in feet)

- ○ Iron Pin Set
- ● Iron Pin Found
- ○ Magnetic Nail Set
- ● Magnetic Nail Found
- ▲ Railroad Spike Found

Iron Pins Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.

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SURVEY OF ACREAGE PARCEL

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UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

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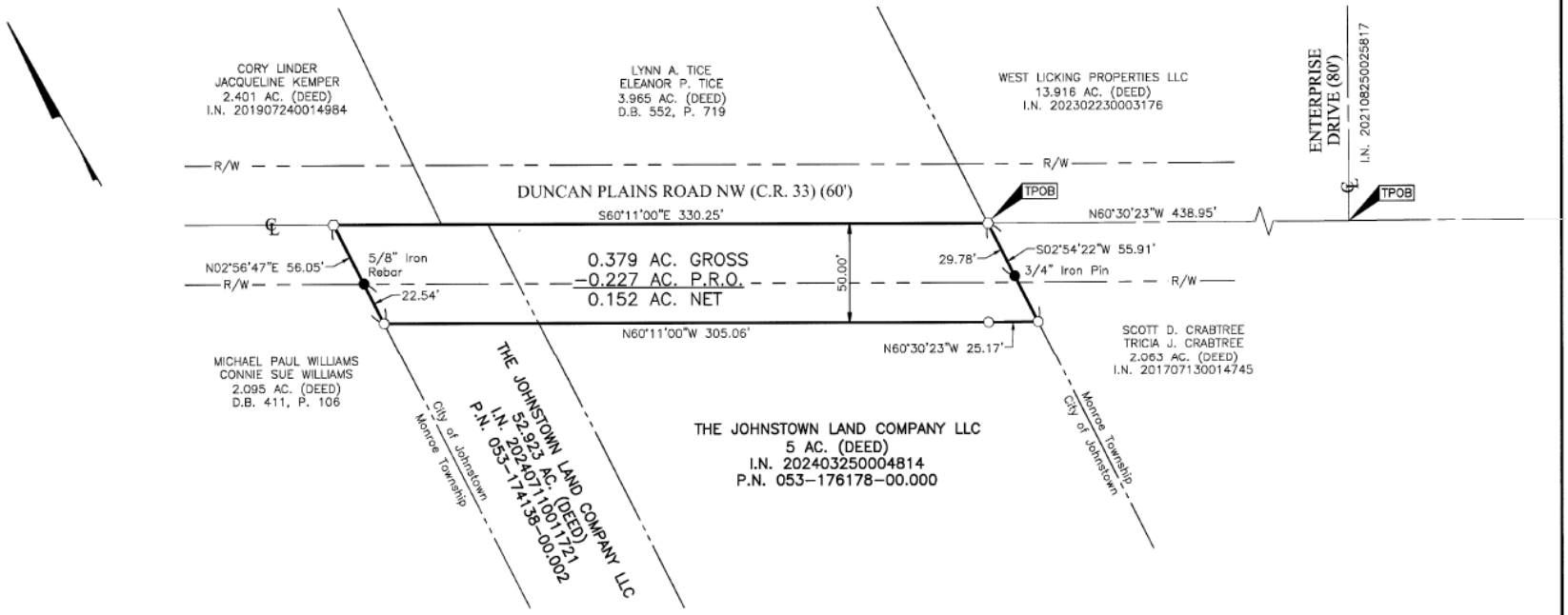
Scale:	1" = 50'
Job No:	2024–0154
Sheet No:	1 of 1



- ○ Iron Pin Set
- ● Iron Pin Found
- ◉ Stone Found
- ⬟ P.K. Nail Found
- ■ Monument Found
- ○ Magnetic Nail Set
- ● Magnetic Nail Found
- ▲ Railroad Spike Found

Iron Pins Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.

0 50
SCALE (in feet)

SURVEY NOTE:
This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in November of 2022, January and August of 2023 and March of 2024.

BASIS OF BEARINGS:
The coordinates shown on this map are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Duncan Plains Road NW, having a bearing of South 60° 30' 23" East and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

By _____ 3/7/2024
Date

Michael P. Peecook
Professional Surveyor No. 8711
mpeecook@emht.com

STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED PROFESSIONAL SURVEYOR

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SURVEY OF ACREAGE PARCEL

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	August 9, 2024
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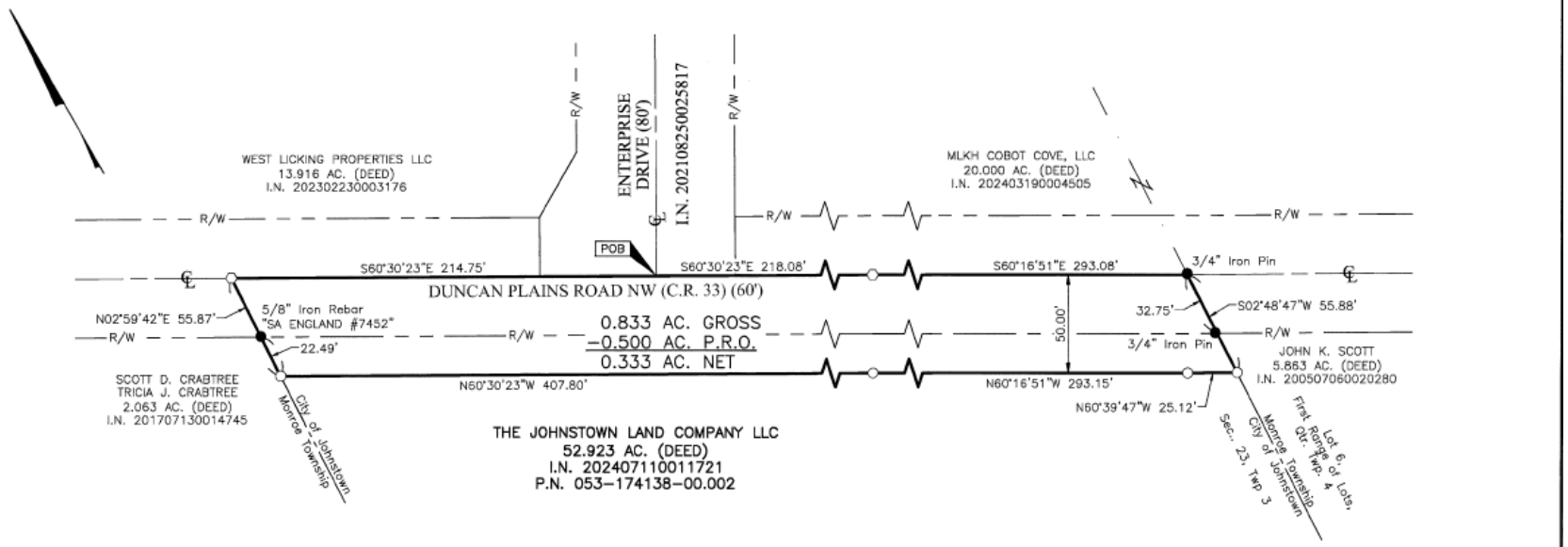
Job No:	2024-0154
Sheet No:	1 of 1



- Iron Pin Set
- Iron Pin Found
- Stone Found
- P.K. Nail Found
- Monument Found
- Magnetic Nail Set
- Magnetic Nail Found
- Railroad Spike Found

0 50
SCALE (in feet)

Iron Pins Set are 13/16" I.D. iron pipes 30" long with cap inscribed EMHT INC.

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This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey performed in November of 2022, January and August of 2023 and March of 2024.

BASIS OF BEARINGS:
The coordinates shown on this map are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011). The portion of the centerline of Duncan Plains Road NW, having a bearing of South 60° 30' 23" East and monumented as shown hereon, is designated as the "basis of bearings" for this survey.

By _____ 8/9/2024
Michael P. Peecook
Professional Surveyor No. 8711
mpeecook@emht.com
Date

STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED
PROFESSIONAL SURVEYOR

J:\2024\0154\DWG\04SHEETS\BOUNDARY\20240154-VS-BNDY-04.DWG plotted by FERGUSON, DAVID on 8/9/2024 2:06:45 PM last saved by DFERGUSON on 8/9/2024 2:06:43 PM

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

Ord 21-2024 Exhibit B

UTILITY AND STREETSCAPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **THE JOHNSTOWN LAND COMPANY LLC**, a Delaware limited liability company ("Grantor"), for good and valuable consideration received from **THE CITY OF JOHNSTOWN**, **OHIO**, an Ohio municipal corporation with its address at 599 S. Main Street, Johnstown Ohio 43031 ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Grantee and its successors and assigns forever, all right, title, and interest in and to a perpetual, non-exclusive easement in, over, under, across, and through the tracts of real property described below (collectively, the "Easement Areas"), for the purposes of constructing, installing, operating, maintaining, repairing, and replacing (i) sanitary sewer lines and related appurtenances, (ii) water lines and related appurtenances, (iii) underground electrical lines, fiber optic or other communication lines, or empty ducts and conduits in which electric, fiber optic and other communication lines may be installed, (iv) gas lines, (v) storm drainage lines, structures, ditches, and swales, (vi) bicycle and pedestrian trails and pathways for use by the general public, (vii) landscaping, and (viii) such above-ground cabinets, boxes, pull stations, valves, switches, controls, poles, pads, signage, and other ground-mounted equipment reasonably necessary to operate any of the foregoing (collectively, the "Improvements"):

See description and depiction of Easement Areas in Exhibit A-1, A-2 and A-3 attached hereto and made a part hereof.

The Easement Areas burden a portion of the real property (the "Property") identified as follows:

Licking County Auditor Parcel Numbers:	053-174138-00.002, 053-176178-00.000, 053-172752-00.000, 053-172752-00.002, 053-172752-00.003 and 053-172752-00.004.

Prior Instrument References: Instrument Numbers 202407110011721, 202403250004814, 202312050022155, 202312050022158, 202403250004812 and 202403250004813, Recorder's Office, Licking County, Ohio.

Grantee and its agents, contractors, and assigns, at no cost or expense to Grantor, shall be permitted to install and construct the Improvements within the Easement Areas. Grantee shall be permitted to assign any portion of the rights granted under this Utility and Streetscape Easement (each assignment being a "Subsequent Easement") to relevant utility service providers to allow it or them (in addition to Grantee) to install, operate, maintain, repair and replace any Improvement(s) without further consent by Grantor or its successors and assigns, provided, however, that (i) a Subsequent Easement shall be set forth in a written instrument which is recorded and a copy of which is provided to Grantor and shall be specifically subject to the terms of this Utility and Streetscape Easement and may not grant rights broader to those set forth in this Utility and Streetscape Easement, and (b) Grantee shall promptly provide to Grantor any and all as-built construction plans related to each Subsequent Easement. The Improvements shall be designed in accordance with appropriate engineering standards and practices and shall be installed in accordance with plans and specifications approved by the City of Johnstown, Ohio. The Improvements shall be installed and constructed in accordance with all applicable legal requirements and specifications of the City of Johnstown, Ohio, and any other applicable local, state, or federal government requirements and specifications. Once installed and constructed, the Improvements shall be the property of Grantee or Grantee's assignee under any Subsequent Easement.

Grantee shall be solely responsible for operating, maintaining, repairing, and replacing the Improvements from time-to-time as Grantee deems necessary in its sole discretion, with the costs of such operation, maintenance, repair, and replacement also to be the sole responsibility of Grantee. Grantee agrees that it shall restore any real property that is damaged by the exercise of any rights being provided in its favor under this Utility and Streetscape Easement. Such restoration shall occur within a reasonable amount of time after such damage occurs and shall be undertaken so as to return the damaged real property to the same or substantially similar condition as existed prior to the occurrence of the damage. Grantee shall be required to obtain, and keep in full force and effect during all times while this Utility and Streetscape Easement is effective, liability insurance covering all acts and omissions of Grantee or those acting for or through Grantee in amounts that are customary for Grantee to obtain and retain for other similar easement rights that Grantee enjoys. Grantee agrees to hold Grantor harmless up to the extent of Grantee's liability insurance coverage in the event that Grantee and/or its employees, agents or contractors are found to be liable in connection with their acts or omissions under this Utility and Streetscape Easement. It is expressly acknowledged by Grantor that Grantee is not pledging any funds other than available insurance proceeds with respect to the indemnification provided hereunder. All references to "Grantee" in this paragraph shall include each assignee of Grantee under any Subsequent Easement and each such assignee shall be deemed to have made to Grantor the same commitments,

covenants, agreements, and obligations with respect to its easement rights under as Subsequent Easement as Grantee has made to Grantor under this paragraph.

The easement granted hereunder shall run with and be appurtenant to the real property to which it applies and shall be binding upon Grantor and Grantee and their respective successors and assigns in interest. Grantor reserves the right to utilize the Easement Areas for any and all purposes that do not unreasonably interfere with the rights granted to Grantee hereunder, as determined by Grantee in its reasonable discretion; provided, however, that no buildings shall be constructed within the Easement Areas. Such rights of Grantor shall include, but not be limited to, the right to install fencing and landscaping and the right to grant easements for the installation of other private or public utilities within the Easement Areas, including but not limited to electric, gas, fiber optics, telephone, telecommunications, and cable. The location of any fencing, landscaping or utility easements shall be reasonably agreed upon between Grantor and Grantee. During all times in which this Utility and Streetscape Easement is effective, Grantor shall maintain liability insurance, or reasonable evidence of adequate self-insurance, covering all acts and omissions of Grantor or those acting for or through Grantor in connection with this Utility and Streetscape Easement.

Grantor hereby covenants with Grantee that Grantor is the true and lawful owner of the Easement Areas and that Grantor has the good, right, and full power to grant the easement described herein as it relates to such real property. This Utility and Streetscape Easement shall not be modified or amended except in a writing signed by Grantor and Grantee or their respective successors or assigns interest.

[Signature pages follow]

IN WITNESS WHEREOF, Grantor, by its duly authorized signatory, has caused this Utility and Streetscape Easement to be executed as of the ____ day of _____, 2024.

GRANTOR:

THE JOHNSTOWN LAND COMPANY LLC,
a Delaware limited liability company

_____

By: _____
Printed Name: _____
Title: _____

STATE OF OHIO)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202___, by _____, the _____ of _____, a _____, on behalf of the _____. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

_____
NOTARY PUBLIC

My Commission Expires: _____

IN WITNESS WHEREOF, Grantee, by its duly authorized signatory, has caused this Utility and Streetscape Easement to be executed as of ____ day of _____, 2024.

GRANTEE:

THE CITY OF JOHNSTOWN, OHIO
an Ohio municipal corporation

By: _____

Print Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of **THE CITY OF JOHNSTOWN, OHIO,** an Ohio municipal corporation, on behalf of the municipal corporation. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

_____
NOTARY PUBLIC

My Commission Expires: _____

This instrument prepared by
and after recording return to:
The Johnstown Land Company LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054

Exhibit A-1

Legal Description and Depiction of Easement Area

EASEMENT
0.417 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying in Section 23, Township 3, Range 15, United States Military District, being a 50 foot wide strip of land on, over and across that 52.923 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202407110011721 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Duncan-Plains Road NW (County Road 33) at a northwesterly corner of said 52.923 acre tract, the northeasterly corner of that 2.063 acre tract conveyed to Scott D. Crabtree and Tricia J. Crabtree by deed of record in Instrument Number 201707130014745;

Thence South 02° 59' 42" West, with the line common to said 52.923 and 2.063 acre tracts, a distance of 55.87 feet to the TRUE POINT OF BEGINNING;

Thence across said 52.923 acre tract, the following courses and distances:

South 60° 30' 23" East, a distance of 407.80 feet to a point;

South 60° 16' 51" East, a distance of 293.15 feet to a point; and

South 60° 39' 47" East, a distance of 25.12 feet to a point in the easterly line of said 52.923 acre tract, the westerly line of that 5.863 acre tract conveyed to John K. Scott by deed of record in Instrument Number 200507060020280;

Thence South 02° 48' 47" West, with the line common to said 52.923 and 5.863 acre tracts, a distance of 27.94 feet to a point;

Thence across said 52.923 acre tract, the following courses and distances:

North 60° 39' 47" West, a distance of 37.68 feet to a point;

North 60° 16' 51" West, a distance of 293.18 feet to a point; and

North 60° 30' 23" West, a distance of 395.29 feet to a point in the line common to said 52.923 and 2.063 acre tracts;

Thence North 02° 59' 42" East, with said common line, a distance of 27.93 feet to the TRUE POINT OF BEGINNING, containing 0.417 acre, more or less, all of which is within Auditor's Parcel Number 053-174138-00.002.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Michael P. Peecook Date 8/12/2024
Professional Surveyor No. 8711

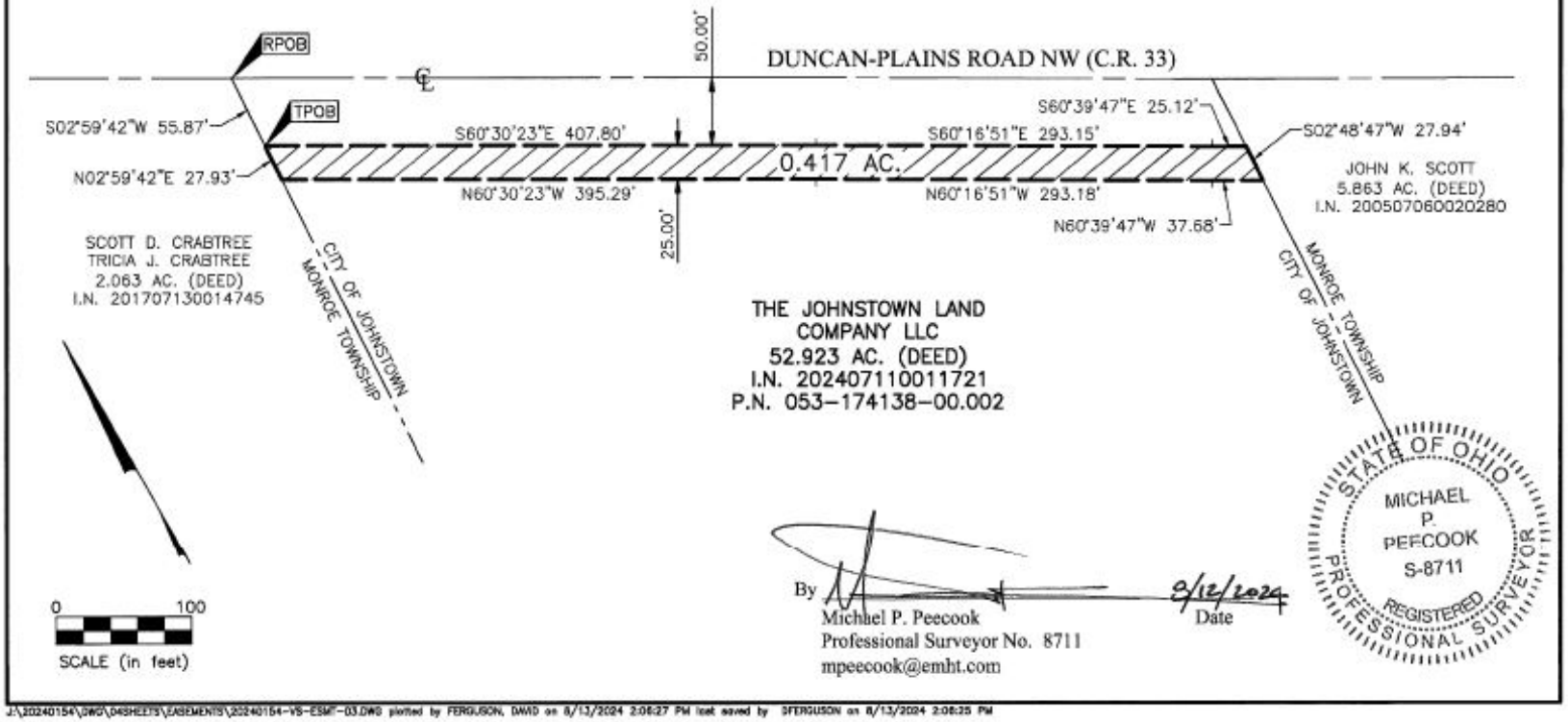
MPP:djf
0_417 ac 20240154-VS-ESMT-03.docx

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	August 12, 2024
Scale:	1" = 100'
Job No:	2024-0154
Sheet No:	1 of 1



By _____ 8/12/2024
Michael P. Peecook
Professional Surveyor No. 8711
mpeecook@emht.com
Date

STATE OF OHIO
MICHAEL P. PEECOOK S-8711
REGISTERED PROFESSIONAL SURVEYOR

J:\20240154\DWG\04SHEETS\EASEMENTS\20240154-VS-ESMT-03.DWG plotted by FERGUSON, DAVID on 8/13/2024 2:06:27 PM last saved by DFERGUSON on 8/13/2024 2:06:25 PM

Exhibit A-2

Legal Description and Depiction of Easement Area

EASEMENT
0.190 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying in Section 23, Township 3, Range 15, United States Military District, being a 50 foot wide strip of land on, over and across that 52.923 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202407110011721 and that 5 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004814 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Duncan-Plains Road NW (County Road 33) at a northwesterly corner of said 52.923 acre tract, the northeasterly corner of that 2.095 acre tract conveyed to Michael Paul Williams and Connie Sue Williams by deed of record in Deed Book 411, Page 106;

Thence South 02° 56' 47" West, with the line common to said 52.923 and 2.095 acre tracts, a distance of 56.05 feet to the TRUE POINT OF BEGINNING;

Thence across said 52.923 and 5 acre tracts, the following courses and distances:

South 60° 11' 00" East, a distance of 305.06 feet to a point; and

South 60° 30' 23" East, a distance of 25.17 feet to a point in the easterly line of said 5 acre tract, the westerly line of that 2.063 acre tract conveyed to Scott D. Crabtree and Tricia J. Crabtree by deed of record in Instrument Number 201707130014745;

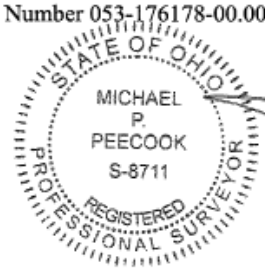
Thence South 02° 54' 22" West, with the line common to said 5 and 2.063 acre tracts, a distance of 27.96 feet to a point;

Thence across said 52.923 and 5 acre tracts, the following courses and distances:

North 60° 30' 23" West, a distance of 37.75 feet to a point; and

North 60° 11' 00" West, a distance of 292.46 feet to a point in the line common to said 52.923 and 2.095 acre tracts;

Thence North 02° 56' 47" East, with said common line, a distance of 28.03 feet to the TRUE POINT OF BEGINNING, containing 0.190 acre, more or less, 0.089 acre of which is within Auditor's Parcel Number 053-174138-00.002 and 0.290 acre of which is within Auditor's Parcel Number 053-176178-00.000.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

9/13/2024

Michael P. Peecook Date
Professional Surveyor No. 8711

MPP:djf
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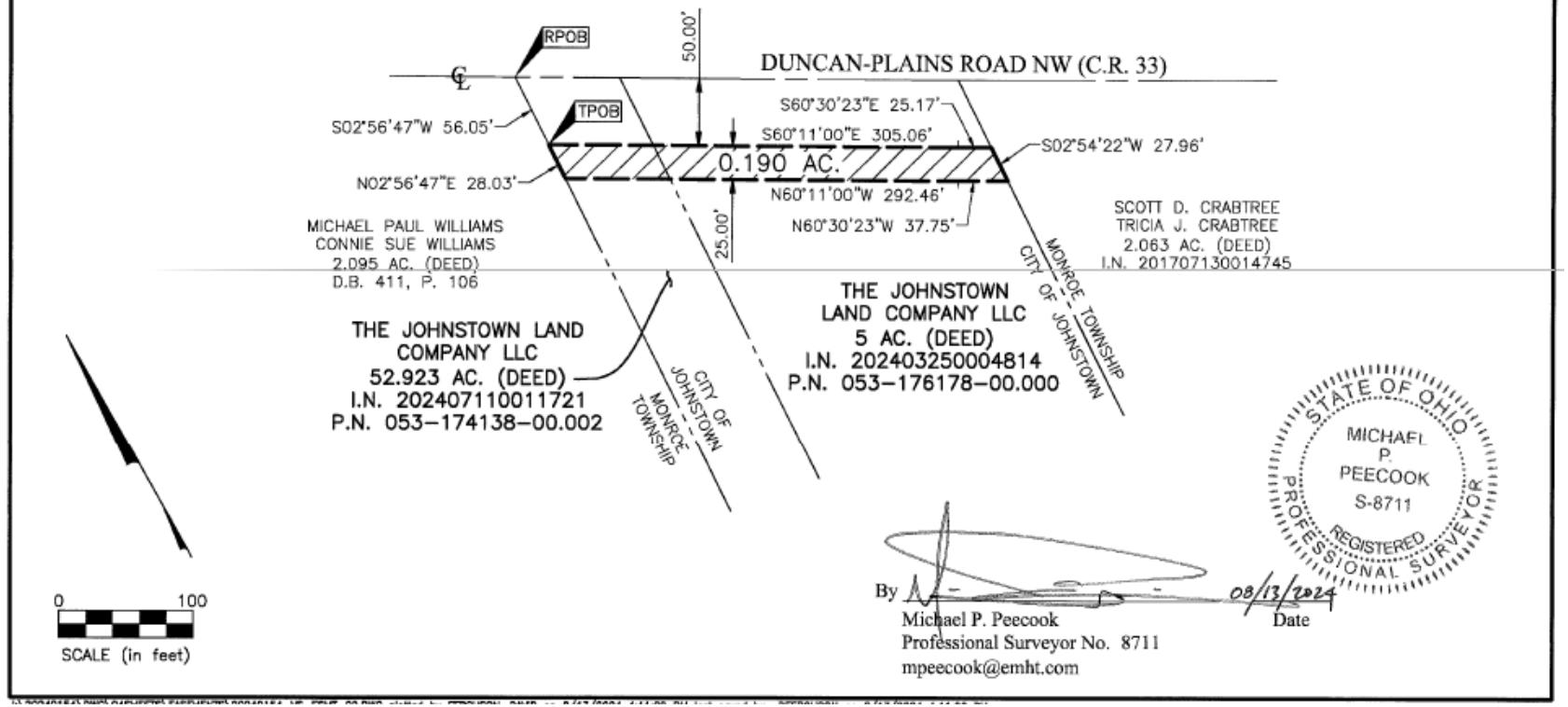
EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	August 13, 2024
Scale:	1" = 100'
Job No:	2024-0154
Sheet No:	1 of 1



STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED PROFESSIONAL SURVEYOR

By _____ 08/13/2024
Michael P. Peecook Date
Professional Surveyor No. 8711
mpeecook@emht.com

Exhibit A-3

Legal Description and Depiction of Easement Area

EASEMENT
0.828 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying in Section 23, Township 3, Range 15, United States Military District, being a 50 foot wide strip of land on, over and across that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155, that 5.133 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022158, that 2.00 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004812 and that 2.00 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202403250004813 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Clover Valley Road NW (County Road 26) at a southwesterly corner of said 107.577 acre tract, the northwesterly corner of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751;

Thence South 86° 47' 50" East, with the southerly line of said 107.577 acre tract and with the northerly line of said 14.424 acre tract, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence North 03° 08' 54" East, across said 107.577 acre tract, said 5.133 acre tract, said 2.00 acre tract (I.N. 202403250004812) and said 2.00 acre tract (I.N. 202403250004813), a distance of 1443.48 feet to the northerly line of said 107.577 acre tract, the southerly line of that 1.110 acre tract conveyed to Jared James Blinsky and Michelle Erin McMillen by deed of record in Instrument Number 200509120028508;

Thence South 86° 58' 27" East, with the line common to said 107.577 and 1.110 acre tracts, a distance of 25.00 feet to a point;

Thence South 03° 08' 54" West, across said 107.577 acre tract, said 2.00 acre tract (I.N. 202403250004813), said 2.00 acre tract (I.N. 202403250004812) and said 5.133 acre tract, a distance of 1443.55 feet to a point in the line common to said 107.577 and 14.424 acre tracts;

Thence North 86° 47' 50" West, with said common line, a distance of 25.00 feet to the TRUE POINT OF BEGINNING, containing 0.828 acres, more or less, all of which is within Auditor's Parcel Numbers 053-172752-00.000, 053-172752-00.002, 053-172752-00.003 and 053-172752-00.004.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Michael P. Peecook Date 8/13/2024
Professional Surveyor No. 8711

MPP:djf
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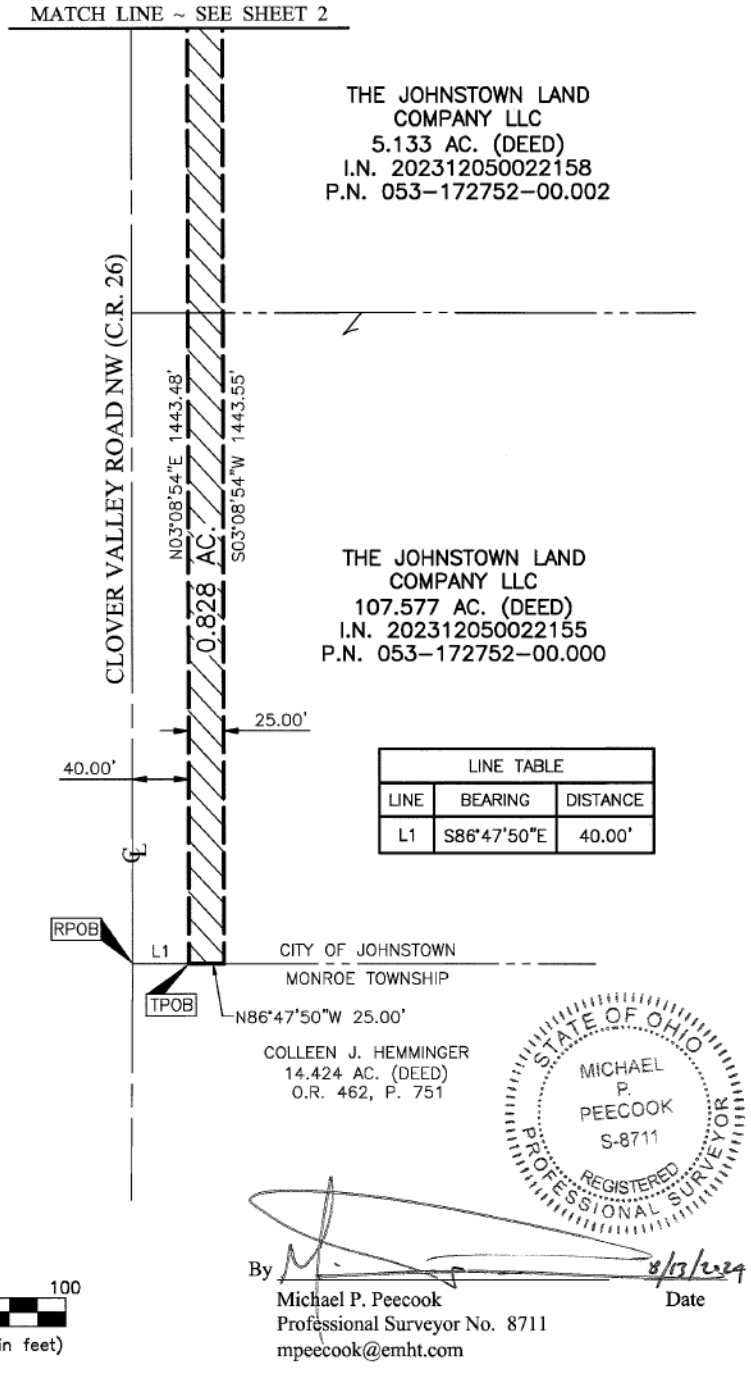
EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	Scale:	Job No:	Sheet No:
August 13, 2024	1" = 100'	2024–0154	1 of 2



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86°47'50"E	40.00'

STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED PROFESSIONAL SURVEYOR

By _____ 8/13/2024
Michael P. Peecook — Date
Professional Surveyor No. 8711
mpeecook@emht.com

J:\2024\0154\DWG\04SHEETS\EASEMENTS\20240154-VS-ESMT-01.DWG plotted by FERGUSON, DAVID on 8/13/2024 4:09:37 PM last saved by DFERGUSON on 8/13/2024 4:09:35 PM

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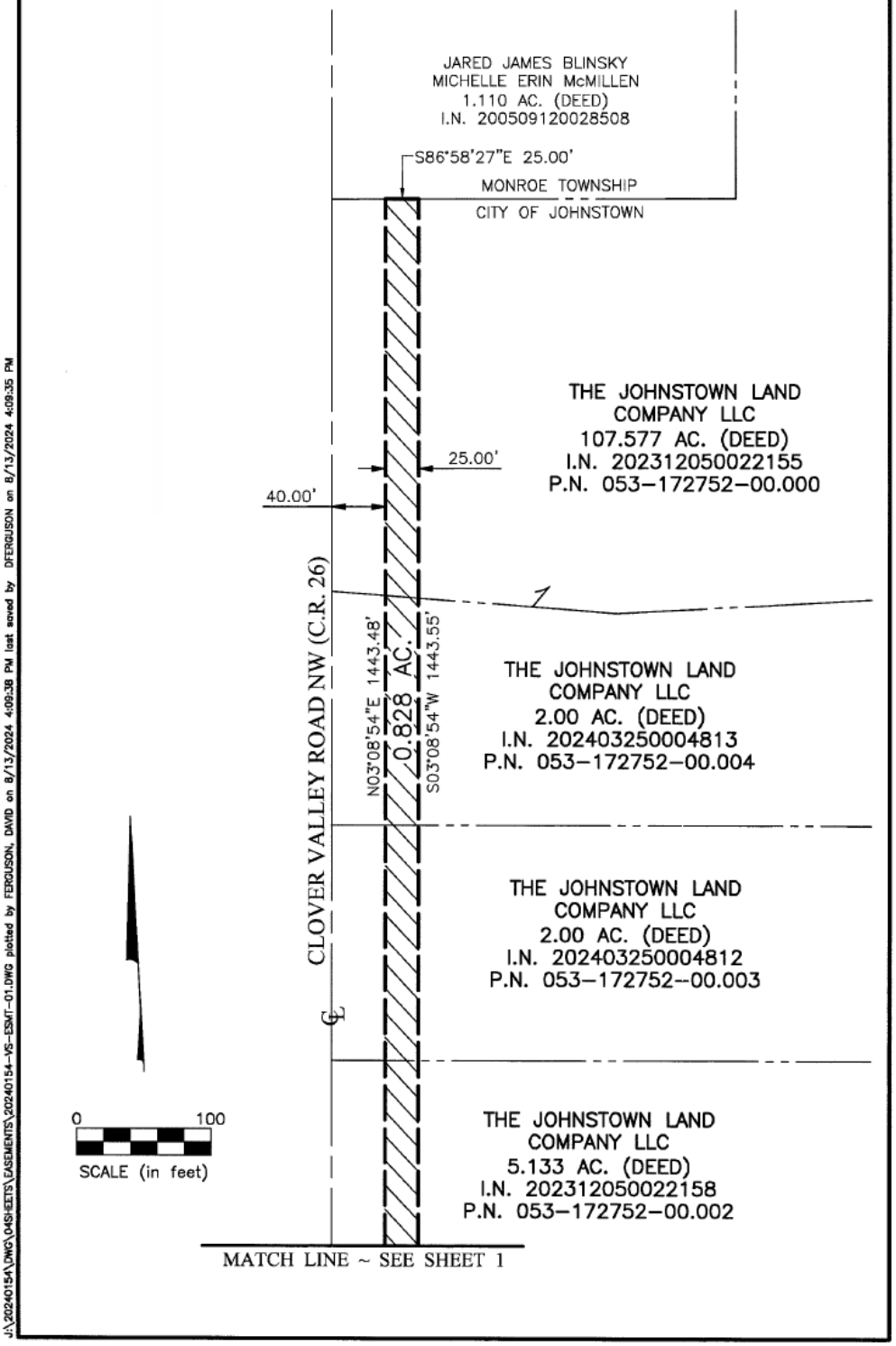
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date: August 13, 2024	Scale: 1" = 100'	Job No: 2024–0154	Sheet No: 2 of 2



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Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

Ord 21-2024 Exhibit C

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that **THE JOHNSTOWN LAND COMPANY LLC**, a Delaware limited liability company ("Grantor"), for good and valuable consideration received from **THE CITY OF JOHNSTOWN**, **OHIO**, an Ohio municipal corporation with its address at 599 S. Main Street, Johnstown Ohio 43031 ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Grantee and its successors and assigns forever, all right, title, and interest in and to a perpetual, non-exclusive easement in, over, under, across, and through the tracts of real property described below (collectively, the "Easement Areas"), for the purposes of operating, maintaining, repairing, replacing, and reconstructing (i) sanitary sewer lines and related appurtenances, and (ii) water lines and related appurtenances (collectively, the "Improvements"):

See description and depiction of Easement Areas in Exhibit A-1 and A-2 attached hereto and made a part hereof.

The Easement Areas burden a portion of the real property (the "Property") identified as follows:

Licking County Auditor Parcel Number:	053-172752-00.000.
Prior Instrument Reference:	Instrument Number 202312050022155, Recorder's Office, Licking County, Ohio.

Grantor, or Grantor's successor and/or assign, shall initially install and construct the Improvements within the Easement Areas. The Improvements shall be designed in accordance with appropriate engineering standards and practices and shall be installed in accordance with

plans and specifications approved by the City of Johnstown, Ohio. The Improvements shall be installed and constructed in accordance with all applicable legal requirements and specifications of the City of Johnstown, Ohio, and any other applicable local, state, or federal government requirements and specifications. Once installed and constructed, the Improvements shall be the property of Grantee.

Grantee shall be solely responsible for operating, maintaining, repairing, replacing, and reconstructing the Improvements from time-to-time as Grantee deems necessary in its sole discretion, with the costs of such operation, maintenance, repair, replacement, and reconstruction also to be the sole responsibility of Grantee. Grantee agrees that it shall restore any real property that is damaged by the exercise of any rights being provided in its favor under this Utility Easement. Such restoration shall occur within a reasonable amount of time after such damage occurs and shall be undertaken so as to return the damaged real property to the same or substantially similar condition as existed prior to the occurrence of the damage. Grantee shall be required to obtain, and keep in full force and effect during all times while this Utility Easement is effective, liability insurance covering all acts and omissions of Grantee or those acting for or through Grantee in amounts that are customary for Grantee to obtain and retain for other similar easement rights that Grantee enjoys. Grantee agrees to hold Grantor harmless up to the extent of Grantee's liability insurance coverage in the event that Grantee and/or its employees, agents or contractors are found to be liable in connection with their acts or omissions under this Utility Easement. It is expressly acknowledged by Grantor that Grantee is not pledging any funds other than available insurance proceeds with respect to the indemnification provided hereunder.

The easements granted hereunder shall run with and be appurtenant to the real property to which it applies and shall be binding upon Grantor and Grantee and their respective successors and assigns in interest. Grantor reserves the right to utilize the Easement Areas for any and all purposes that do not unreasonably interfere with the rights granted to Grantee hereunder, as determined by Grantee in its reasonable discretion; provided, however, that no buildings shall be constructed within the Easement Areas. Such rights of Grantor shall include, but not be limited to, the right to install fencing and landscaping and the right to grant easements for the installation of other private or public utilities within the Easement Areas, including but not limited to electric, gas, fiber optics, telephone, telecommunications, and cable. The location of any fencing, landscaping or utility easements shall be reasonably agreed upon between Grantor and Grantee. During all times in which this Utility Easement is effective, Grantor shall maintain liability insurance, or reasonable evidence of adequate self-insurance, covering all acts and omissions of Grantor or those acting for or through Grantor in connection with this Utility Easement.

Grantor hereby covenants with Grantee that Grantor is the true and lawful owner of the Easement Areas and that Grantor has the good, right, and full power to grant the easement described herein as it relates to such real property. This Utility Easement shall not be modified or amended except in a writing signed by Grantor and Grantee or their respective successors or assigns interest.

[Signature pages follow]

IN WITNESS WHEREOF, Grantor, by its duly authorized signatory, has caused this Utility Easement to be executed as of the ____ day of _____, 2024.

GRANTOR:

THE JOHNSTOWN LAND COMPANY LLC,
a Delaware limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF OHIO)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 202___, by _____, the _____ of _____, a _____, on behalf of the _____. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

_____
NOTARY PUBLIC

My Commission Expires: _____

IN WITNESS WHEREOF, Grantee, by its duly authorized signatory, has caused this Utility Easement to be executed as of ____ day of _____, 2024.

GRANTEE:

THE CITY OF JOHNSTOWN, OHIO
an Ohio municipal corporation

By: _____

Print Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by _____, the _____ of **THE CITY OF JOHNSTOWN, OHIO,** an Ohio municipal corporation, on behalf of the municipal corporation. This is an acknowledgment certificate; no oath or affirmation was administered to the signer with regard to the notarial act.

[SEAL]

_____
NOTARY PUBLIC

My Commission Expires: _____

This instrument prepared by
and after recording return to:
The Johnstown Land Company LLC
8000 Walton Parkway, Suite 120
New Albany, Ohio 43054

Exhibit A-1

Legal Description and Depiction of Easement Area

SANITARY SEWER EASEMENT
1.888 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Clover Valley Road (County Road 26), the line common to Section 23 and Section 24, at the southwesterly corner of said 107.577 acre tract, the northwesterly corner of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751;

Thence North 03° 08' 54" East, with said centerline and common section line, a distance of 249.96 feet to a point;

Thence across said 107.577 acre tract, the following courses and distances:

South 86° 51' 06" East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

North 03° 08' 54" East, a distance of 30.00 feet to a point;

South 86° 47' 50" East, a distance of 974.36 feet to a point;

South 41° 47' 50" East, a distance of 212.13 feet to a point; and

South 86° 47' 50" East, a distance of 1554.66 feet to a point in the easterly line of said 107.577 acre tract and the easterly line of said Section 23, the westerly line of Lot 7, First Range of Lots, Quarter Township 4, said Township 3, the westerly line of that 67.659 acre tract conveyed to Johnstown Land Company, LLC by deed of record in Instrument Number 202306010009621;

South 03° 11' 58" West, with the line common to said 107.577 and 67.659 acre tracts, the line common to said Section 23 and Lot 7, a distance of 30.00 feet to a point;

Thence across said 107.577 acre tract, the following courses and distances:

North 86° 47' 50" West, a distance of 1567.09 feet to a point;

North 41° 47' 50" West, a distance of 212.13 feet to a point; and

North 86° 47' 50" West, a distance of 961.91 feet to the TRUE POINT OF BEGINNING, containing 1.888 acres, more or less, all of which is within Auditor's Parcel Number 053-172752-00.000.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

8/9/2024

Michael P. Peecook Date
Professional Surveyor No. 8711

MPP:djf
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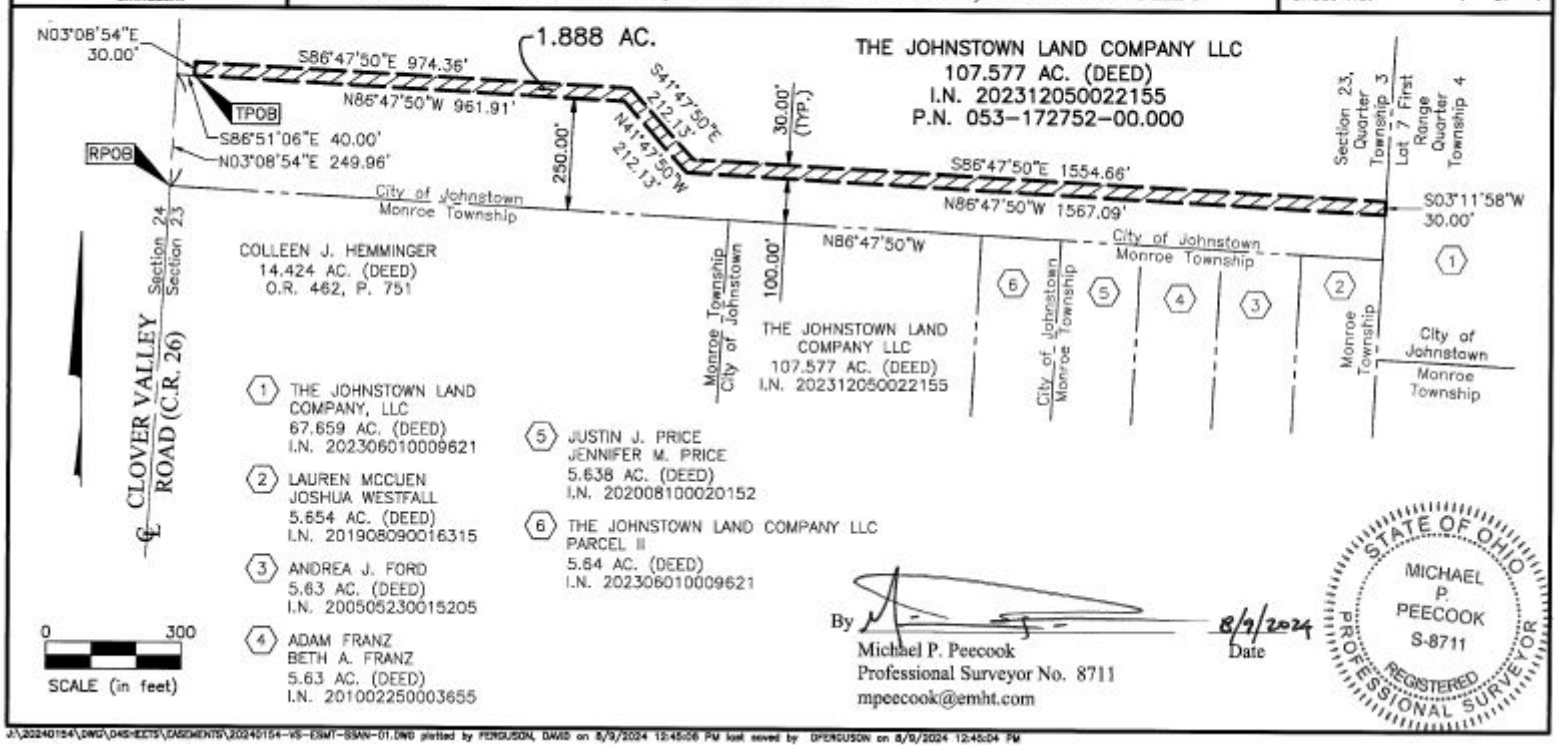
EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

SANITARY SEWER EASEMENT

SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO

Date:	August 9, 2024
Scale:	1" = 300'
Job No:	2024-0154
Sheet No:	1 of 1



By [signature] 8/9/2024
Michael P. Peecook Date
Professional Surveyor No. 8711
mpeecook@emht.com

STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED PROFESSIONAL SURVEYOR

J:\20240154\DWG\04SHEETS\EASEMENTS\20240154-VS-ESMT-SSAN-01.DWG plotted by FERGUSON, DAVID on 8/9/2024 12:45:06 PM last saved by DFERGUSON on 8/9/2024 12:45:04 PM

Exhibit A-2

Legal Description and Depiction of Easement Area

WATER MAIN EASEMENT
1.259 ACRE

Situated in the State of Ohio, County of Licking, City of Johnstown, lying in Section 23, Township 3, Range 15, United States Military District, being on, over and across that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155 (all references are to the records of the Recorder's Office, Licking County, Ohio) and being more particularly described as follows:

Beginning, for reference, in the centerline of Clover Valley Road (County Road 26), the line common to Section 23 and Section 24, at the southwesterly corner of said 107.577 acre tract, the northwesterly corner of that 14.424 acre tract conveyed to Colleen J. Hemminger by deed of record in Official Record 462, Page 751;

Thence North 03° 08' 54" East, with said centerline and common section line, a distance of 239.96 feet to a point;

Thence across said 107.577 acre tract, the following courses and distances:

South 86° 51' 06" East, a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

North 03° 08' 54" East, a distance of 20.00 feet to a point;

South 86° 47' 50" East, a distance of 966.06 feet to a point;

South 41° 47' 50" East, a distance of 212.13 feet to a point; and

South 86° 47' 50" East, a distance of 1562.95 feet to a point in the easterly line of said 107.577 acre tract and the easterly line of said Section 23, the westerly line of Lot 7, First Range of Lots, Quarter Township 4, said Township 3, the westerly line of that 67.659 acre tract conveyed to Johnstown Land Company, LLC by deed of record in Instrument Number 202306010009621;

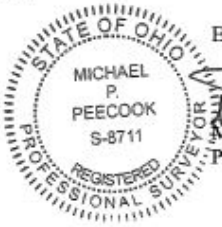
South 03° 11' 58" West, with the line common to said 107.577 and 67.659 acre tracts, the line common to said Section 23 and Lot 7, a distance of 20.00 feet to a point;

Thence across said 107.577 acre tract, the following courses and distances:

North 86° 47' 50" West, a distance of 1571.23 feet to a point;

North 41° 47' 50" West, a distance of 212.13 feet to a point; and

North 86° 47' 50" West, a distance of 957.76 feet to the TRUE POINT OF BEGINNING, containing 1.259 acres, more or less, all of which is within Auditor's Parcel Number 053-172752-00.000.

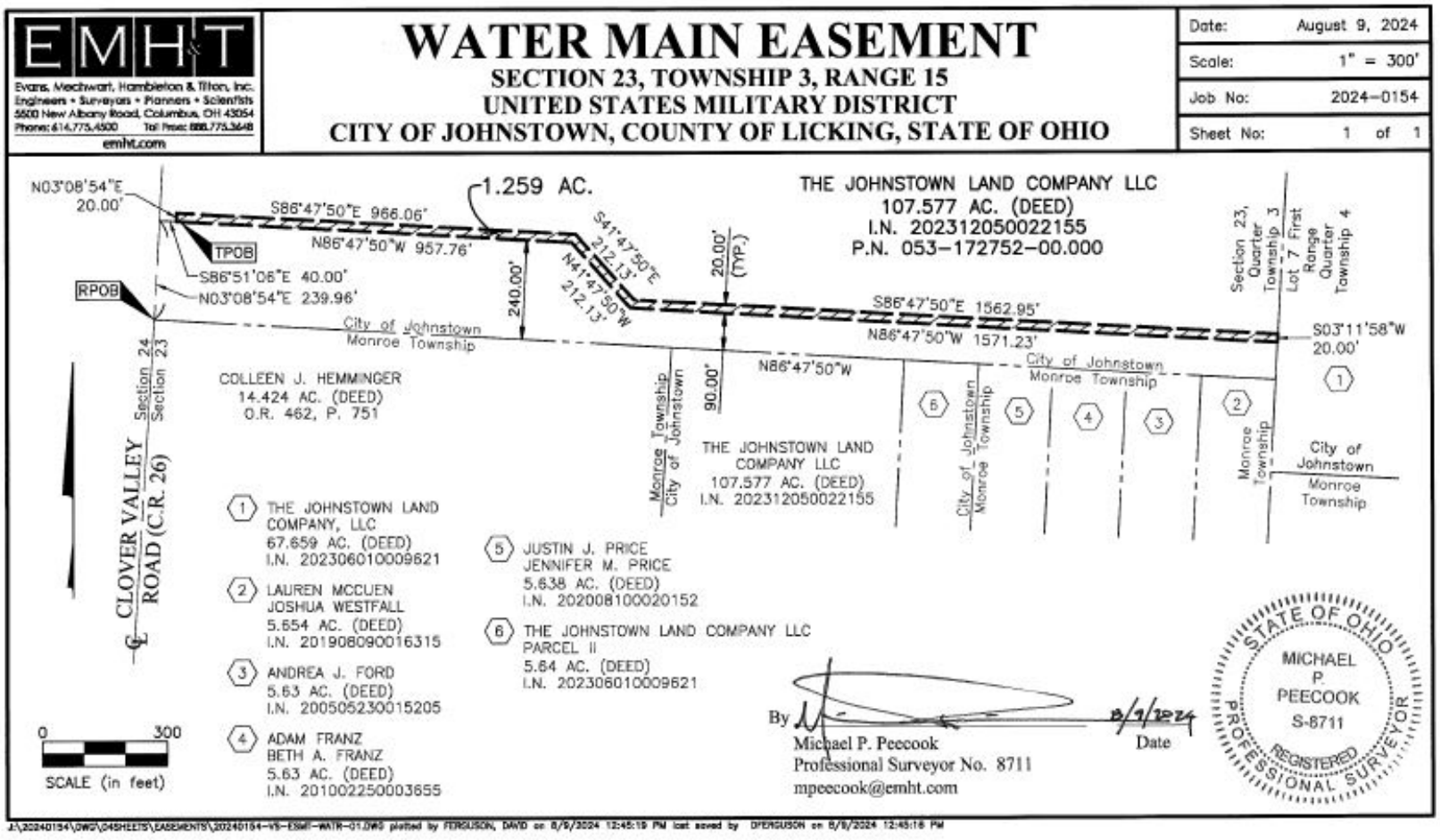


EVANS, MECHWART, HAMBLETON & TILTON, INC.

9/9/2024

Michael P. Peecook Date
Professional Surveyor No. 8711

MPP:djf
1_259 ac 20240154-VS-ESMT-WATR-01.docx


EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com
WATER MAIN EASEMENT
SECTION 23, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
CITY OF JOHNSTOWN, COUNTY OF LICKING, STATE OF OHIO
Date: August 9, 2024
Scale: 1" = 300'
Job No: 2024-0154
Sheet No: 1 of 1
N03°08'54"E 20.00'
S86°47'50"E 966.06'
1.259 AC.
N86°47'50"W 957.76'
TPOB
RPOB
S86°51'06"E 40.00'
N03°08'54"E 239.96'
240.00'
S41°47'50"E 212.13'
N41°47'50"W 212.13'
20.00' (TYP.)
THE JOHNSTOWN LAND COMPANY LLC
107.577 AC. (DEED)
I.N. 202312050022155
P.N. 053-172752-00.000
S86°47'50"E 1562.95'
N86°47'50"W 1571.23'
S03°11'58"W 20.00'
Section 23, Quarter Township 3 Lot 7 First Range Quarter Township 4
City of Johnstown
Monroe Township
N86°47'50"W
90.00'
Section 24
Section 23
CLOVER VALLEY ROAD (C.R. 26)
COLLEEN J. HEMMINGER
14.424 AC. (DEED)
O.R. 462, P. 751
THE JOHNSTOWN LAND COMPANY LLC
107.577 AC. (DEED)
I.N. 202312050022155
1 THE JOHNSTOWN LAND COMPANY, LLC
67.659 AC. (DEED)
I.N. 202306010009621
2 LAUREN MCCUEN
JOSHUA WESTFALL
5.654 AC. (DEED)
I.N. 201908090016315
3 ANDREA J. FORD
5.63 AC. (DEED)
I.N. 200505230015205
4 ADAM FRANZ
BETH A. FRANZ
5.63 AC. (DEED)
I.N. 201002250003655
5 JUSTIN J. PRICE
JENNIFER M. PRICE
5.638 AC. (DEED)
I.N. 202008100020152
6 THE JOHNSTOWN LAND COMPANY LLC
PARCEL II
5.64 AC. (DEED)
I.N. 202306010009621
0 300
SCALE (in feet)
By
8/9/2024
Date
Michael P. Peecook
Professional Surveyor No. 8711
mpeecook@emht.com
STATE OF OHIO
MICHAEL P. PEECOOK
S-8711
REGISTERED
PROFESSIONAL SURVEYOR
J:\2024\0154\DWG\04SHEETS\EASEMENTS\20240154-VS-ESMT-WATR-01.DWG plotted by FERGUSON, DAVID on 8/9/2024 12:45:19 PM last saved by DFERGUSON on 8/9/2024 12:45:16 PM

City of Johnstown
Administrative Offices
johnstownohio.org

CITY OF JOHNSTOWN

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

ORDINANCE 22-2024

AN ORDINANCE TO REALIGN PERMANENT APPROPRIATIONS BY MODIFYING APPROPRIATIONS FROM ONE ACCOUNT TO ANOTHER WITHIN THE FUND AND AMENDING ORDINANCE 24-2023, TO APPROVE NECESSARY CHANGES OF APPROPRIATIONS

WHEREAS, the Council of the City of Johnstown adopted its annual appropriations for 2024 on December 19, 2023; and

WHEREAS, the Council of the City of Johnstown desires to move already appropriated money within the appropriated funds; and

WHEREAS, the Council of the City of Johnstown desires to amend Ordinance 2024-23, the annual appropriation Ordinance of the City of Johnstown; and

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

Section One. The following modifications from one account to another within the funds are approved as shown in **Exhibit A** attached.

Section Two. That the appropriations for the designated funds that were set forth in Ordinance 24-2023, adopted by the Council of the City of Johnstown, State of Ohio, on December 19, 2023, be hereby increased as shown in **Exhibit A** attached.

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: August 20, 2024
Public Hearing/Vote: September 3, 2024
Effective Date:

BY: _____ _____
Mayor Donald Barnard

ATTEST TO: APPROVED AS TO FORM:

_____ _____
Teresa Monroe, Clerk of Council Yazan Ashrawi, Law Director

DRAFT

From:	Account Number	Amount		To: Account Number	Amount	
Fund:	**1000-General Fund**					
	100-725-341-0012	$ 23,837.25		1000-725-121/122	$ 20,192.25	
				1000-725-211	$ 3,300.00	
				1000-725-213	$ 345.00	
		$ 23,837.25			$ 23,837.25	
	1000-410-221	$ 17,800.00		1000-710-221	$ 8,200.00	
				1000-725-221	$ 9,600.00	
		$ 17,800.00			$ 17,800.00	
	1000.410.190	$ 10,510.00		1000-725-121/122	$ 2,450.00	
				1000-725-211	$ 500.00	
				1000-725-213	$ 50.00	
					$ 3,000.00	
				1000-710-121	$ 6,500.00	
				1000-710-211	$ 910.00	
				10000-710-213	$ 100.00	
					$ 7,510.00	
		$ 10,510.00			$ 10,510.00	
	5101-Water Operating Fund					
	5101-539-341-0012	$ 15,377.94		5101.539.131	$ 13,157.94	
				5101.539.211	$ 2,000.00	
				5101.539.213	$ 220.00	
					$ 15,377.94	
	5101.539.341	$ 2,000.00		5101.539.131	$ 1,700.00	
				5101.539.211	$ 250.00	
				5101.539.213	$ 50.00	
					$ 2,000.00	
	5101.539.341	$ 5,540.00		5101.539.131	$ 4,800.00	
				5101.539.211	$ 670.00	
				5101.539.213	$ 70.00	
					$ 5,540.00	
		$ 22,917.94			$ 22,917.94	
	5201-Sewer Operating Fund					
	5201-549-341-0012	$ 15,377.94		5201.549.131	$ 13,157.94	
				5201.549.211	$ 2,000.00	
				5201.549.213	$ 220.00	
					$ 15,377.94	
	5201.549.341	$ 2,000.00		5201.549.131	$ 1,700.00	
				5201.549.211	$ 250.00	
				5201.549.213	$ 50.00	
					$ 2,000.00	
	5201.549.341	$ 5,540.00		5201.549.131	$ 4,800.00	
				5201.549.211	$ 670.00	
				5201.549.213	$ 70.00	
					$ 5,540.00	
		$ 22,917.94			$ 22,917.94	
	5701 - Water Enterprise Improvement Fund					
	Increase			5701-539-349	$ 48,000.00	
				5701-539-349	$ 34,500.00	Flow through
				5701-800-530	$160,000.00	
					$242,500.00	
	Increase Revenue			5701-892-000	$ 34,500.00	
	5702 - Sewer Enterprise Improvement Fund					
	Increase			5702-549-349	$ 48,000.00	
				5702-549-349	$ 34,500.00	Flow through
					$ 82,500.00	
	Increase Revenue			5702-892-000	$ 34,500.00	

City of Johnstown
Administrative Offices
johnstownohio.org

CITY OF JOHNSTOWN

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

RESOLUTION 2024-33

A RESOLUTION ACCEPTING AN ANNEXATION OF 11.2 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN

WHEREAS, a petition was filed with the Licking County Board of County Commissioners on May 23, 2024, requesting annexation to the City of Johnstown, Ohio of __11.2__+/- acres of land in Monroe Township owned by Justin J. and Jennifer M. Price; and Adam and Beth A. Franz (the "Property", a description of which is attached hereto as Exhibits "A" and "B" and made a part hereof); and

WHEREAS, the City of Johnstown Council approved Resolution 2024-22 on June 4, 2024 stating what services would be provided to the 11.2 +/- acres of land; and

WHEREAS, the Licking County Commissioners approved the annexation petition on June 20, 2024; and

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

Section One: The petition for annexation of 11.2 +/- acres, more or less, to the City of Johnstown is hereby accepted.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

Section Three: This resolution shall take effect at the earliest date provided by law.

Date of Introduction/Public Hearing/Vote: September 3, 2024

BY: _____ _____
Mayor Donald Barnard

ATTEST TO: APPROVED AS TO FORM:

_____ _____
Teresa Monroe, Clerk of Council Yazan Ashrawi, Law Director

DRAFT

EXHIBIT "A"
PROPOSED ANNEXATION OF
11.2± ACRES

FROM: MONROE TOWNSHIP

TO: CITY OF JOHNSTOWN

Situated in the State of Ohio, County of Licking, Township of Monroe, in Section 23, Quarter Township 3, Township 3, Range 15, United States Military District, being comprised of all of the following tracts of land: that 5.63 acre tract conveyed to Adam Franz and Beth A. Franz by deed of record in Instrument Number 201002250003655, and that 5.638 acre tract conveyed to Justin J. Price and Jennifer M. Price by deed of record in Instrument Number 202008100020152 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Green Chapel Road (T.R. 63) and Clover Valley Road (C.R. 26);

Thence South 87° 05' 27" East, with the centerline of said Green Chapel Road and partly with the existing City of Johnstown corporation line (Resolution Number 2023-30, of record in Instrument Number 202401250001407), a distance of 1332.94 feet to a point;

Thence South 87° 01' 38" East, with said centerline and said corporation line, a distance of 677.83 feet to the southeasterly corner of that 5.64 acre tract conveyed as Parcel II to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621;

Thence North 02° 59' 13" East, with the easterly line of said 5.64 acre tract, a distance of 10.00 feet to the northwesterly corner of that 0.041 acre tract conveyed as Parcel G48-WD to The City of New Albany, Ohio by deed of record in Instrument Number 202307260013199, the TRUE POINT OF BEGINNING for this description;

Thence North 02° 59' 13" East, with said easterly line and said corporation line, a distance of 1355.65 feet to a point in the southerly line of that 107.577 acre tract conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202312050022155;

Thence South 86° 47' 50" East, with said southerly line and said corporation line, a distance of 360.00 feet to the northwesterly corner of that 5.63 acre tract conveyed to Andrea J. Ford by deed of record in Instrument Number 200505230015205;

Thence South 02° 59' 13" West, with the westerly line of said 5.63 acre tract, a distance of 1354.19 feet to the northeasterly corner of that 0.041 acre tract conveyed as Parcel G49-WD to The City of New Albany, Ohio by deed of record in Instrument Number 202309070016307;

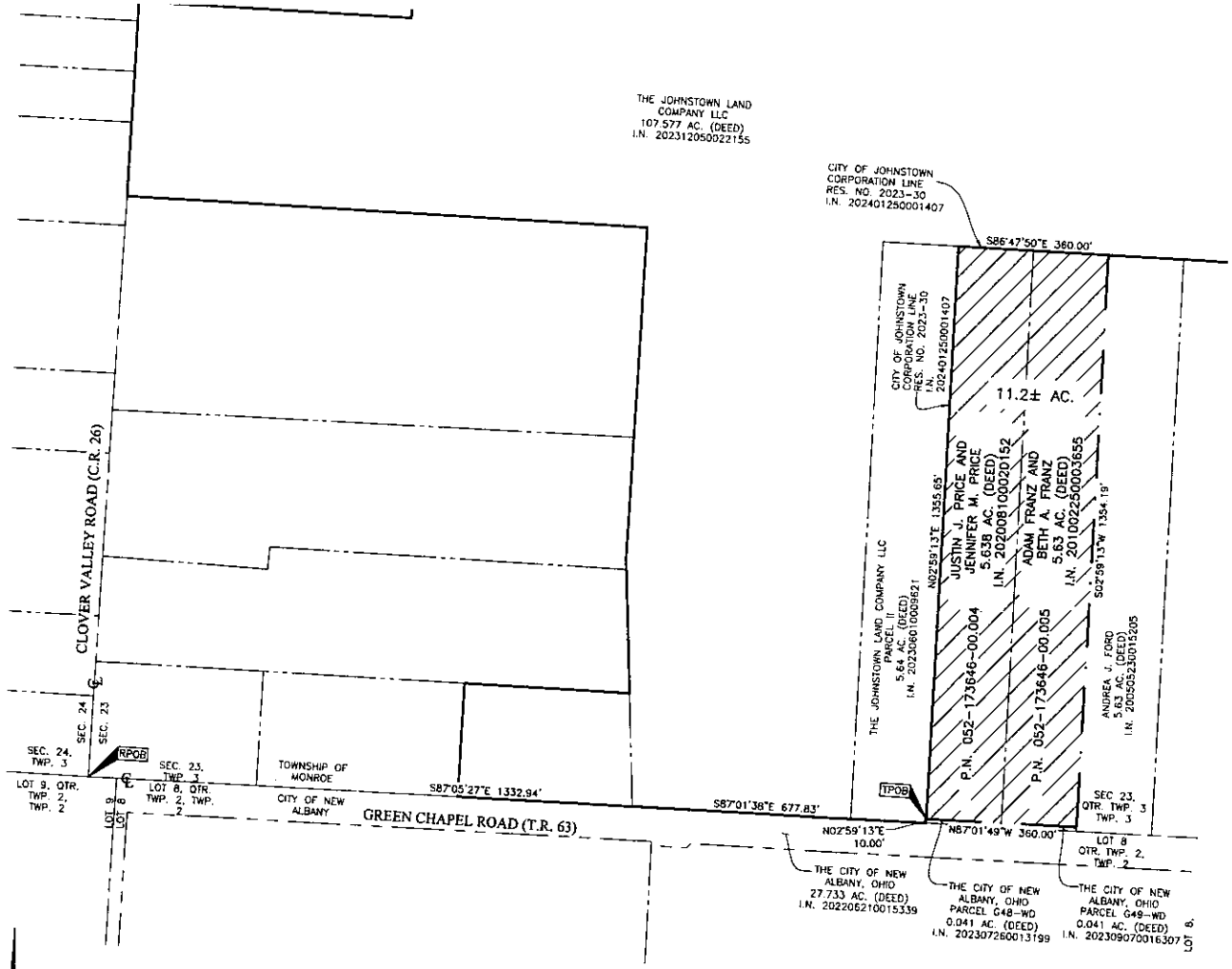
Thence North 87° 01' 38" West, with the northerly line of said Parcel G49- WD and said Parcel G48-WD, a distance of 360.00 feet to the TRUE POINT OF BEGINNING, containing 11.2 acres of land, more or less.

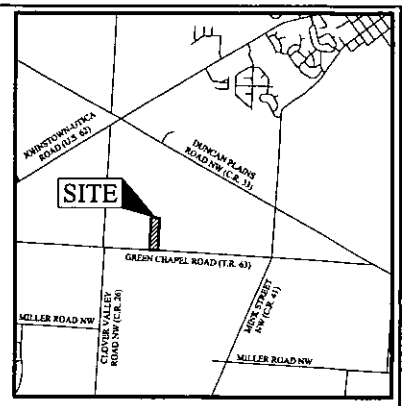
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk 19 MARCH 24

Matthew A. Kirk
Professional Surveyor No. 7865

EXHIBIT "B"
ANNEXATION OF 11.2± ACRES
TO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF MONROE
SECTION 23, QUARTER TOWNSHIP 3, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO





LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

AREA TO BE ANNEXED

PROPOSED CITY OF JOHNSTOWN CORPORATION LINE

EXISTING CITY OF JOHNSTOWN CORPORATION LINE

200 0 200 400
GRAPHIC SCALE (in feet)

STATE OF OHIO
MATTHEW A. KIRK
S-7865
REGISTERED
PROFESSIONAL SURVEYOR

By _____ 19 MARCH 24
Matthew A. Kirk
Professional Surveyor No. 7865
mkirk@emht.com
Date

Contiguity Note:
Total perimeter of annexation area is 3429.84 feet, of which 1715.65 feet is contiguous with the City of Johnstown giving 50% perimeter contiguity.

Proposed Annexation
of 11.2 ± 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 in 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__ _____ Commissioner

Petition Approved _____, 20__ _____ Commissioner

_____ Commissioner

Transferred this ___ day of _____, 20___, upon the duplicates of this office.

Containing _____ acres.
Transfer Fee _____
_____ Licking County Auditor

Received for Record _____, 20__, at _____(AM-PM) and recorded _____, 20__, in plat ordinance, petition, etc. in Plat Book Volume ___, Page ___.

Plat Fee _____
Ordinance, etc. Fee _____
_____ Licking County Recorder

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

Attest_____
Clerk, City of Johnstown

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

Date: March 19, 2024
Scale: 1" = 200'
Job No: 2024-0006
Sheet: 1 of 1

REVISIONS

MARK	DATE	DESCRIPTION

City of Johnstown
Administrative Offices
johnstownohio.org

CITY OF JOHNSTOWN

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

RESOLUTION 2024-34

A RESOLUTION ACCEPTING AN ANNEXATION OF 6.5 +/- ACRES, MORE OR LESS, FROM MONROE TOWNSHIP, LICKING COUNTY TO THE CITY OF JOHNSTOWN

WHEREAS, a petition was filed with the Licking County Board of County Commissioners on 23, 2024, requesting annexation to the City of Johnstown, Ohio of __6.5__+/- acres of land in Monroe Township owned by the Johnstown Land Company LLC (the "Property", a description of which is attached hereto as Exhibits "A" and "B" and made a part hereof); and

WHEREAS, the City of Johnstown Council approved Resolution 2024-21 on June 4, 2024 stating what services would be provided to the 6.5 +/- acres of land; and

WHEREAS, the Licking County Commissioners approved the annexation petition on June 20, 2024; and

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

Section One: The petition for annexation of 6.5 +/- acres, more or less, to the City of Johnstown is hereby accepted.

Section Two: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

Section Three: This resolution shall take effect at the earliest date provided by law.

Date of Introduction/Public Hearing/Vote: September 3, 2024

BY: _____ _____
Mayor Donald Barnard

ATTEST TO: APPROVED AS TO FORM:

_____ _____
Teresa Monroe, Clerk of Council Yazan Ashrawi, Law Director

DRAFT

PRE-APPROVAL
LICKING COUNTY ENGINEER
APPROVED ☐ CONDITIONAL ☑
APPROVED BY:
DATE: 4-23-24
Sign & Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
6.5± ACRES

FROM: MONROE TOWNSHIP

TO: CITY OF JOHNSTOWN

Situated in the State of Ohio, County of Licking, Township of Monroe, in Lot 7, Quarter Township 4, Township 3, Range 15, United States Military District, being all of that tract of land conveyed to The Johnstown Land Company LLC by deed of record in Instrument Number 202404160006227 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the southeasterly corner of that 0.092 acre tract conveyed to City of New Albany, Ohio as Parcel G51-WD by deed of record in Instrument Number 202306220010906, the southwesterly corner of that 0.319 acre tract conveyed to City of New Albany, Ohio as Parcel G52-WD by deed of record in Instrument Number 202306290011465, the southeasterly corner of Section 23, Quarter Township 3, the southwesterly corner of Lot 7, Quarter Township 4, in the centerline of Green Chapel Road (T.R. 63);

Thence North 03° 00' 43" East, with the common line of said 0.092 and 0.319 acre tracts, the line common to said Section 23, Quarter Township 3 and said Lot 7, Quarter Township 4, a distance of 32.23 feet to the southeasterly corner of the remainder of that 5.654 acre tract conveyed to Lauren McCuen and Joshua Westfall by deed of record in Instrument Number 201908090016315, the TRUE POINT OF BEGINNING for this description;

Thence North 03° 00' 43" East, with the common line of said Section 23 and said Lot 7, the easterly line of said 5.654 acre tract, a distance of 1106.22 feet to the southwesterly of that 67.659 acre tract conveyed as Parcel IV to The Johnstown Land Company LLC by deed of record in Instrument Number 202306010009621, in the existing City of Johnstown corporation line (Resolution Number 2023-30, of record in Instrument Number 202401250001407);

Thence South 86° 40' 06" East, with the southerly line of said 67.659 acre tract and said corporation line, a distance of 261.94 feet to the northwesterly corner of the remainder of that 6.790 acre tract conveyed to Stephanie R. Trathen and Brandon J. Trathen by deed of record in Instrument Number 201504140006854;

Thence South 03° 01' 03" West, with the westerly line of said 6.790 acre tract, a distance of 1118.13 feet to the northeasterly corner of said 0.319 acre tract, the northwesterly corner of that 0.060 acre tract conveyed to City of New Albany, Ohio as Parcel G53-WD by deed of record in Instrument Number 202307260013196, in the northerly right of way line of said Green Chapel Road;

Thence with the northerly line of said 0.319 acre tract and said northerly right of way line the following courses and distances:

North 86° 44' 16" West, a distance of 8.54 feet to a point;

With the arc of a curve to the right, having a central angle of 06° 53' 12", a radius of 87.00 feet, an arc length of 10.46 feet, a chord bearing of North 56° 11' 35" West and chord distance of 10.45 feet to a point;

North 52° 44' 59" West, a distance of 55.78 feet to a point;

With the arc of a curve to the left, having a central angle of 58° 34' 32", a radius of 105.00 feet, an arc length of 107.35 feet, a chord bearing of North 82° 02' 15" West and chord distance of 102.73 feet to a point; and

With the arc of a curve to the right, having a central angle of 11° 28' 15", a radius of 506.00 feet, an arc length of 101.30 feet, a chord bearing of South 74° 24' 36" West and chord distance of 101.13 feet to the TRUE POINT OF BEGINNING, containing 6.5 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk 17 April 24

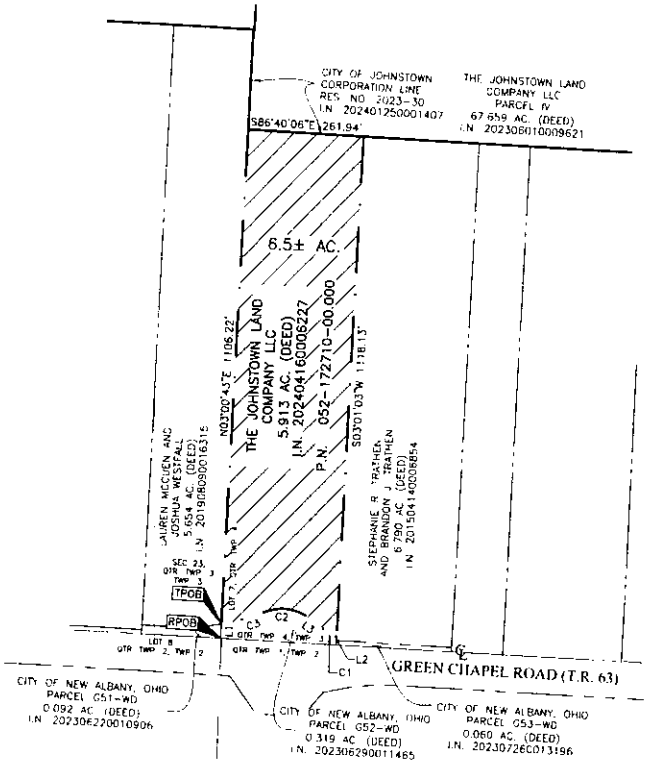
Matthew A. Kirk
Professional Surveyor No. 7865

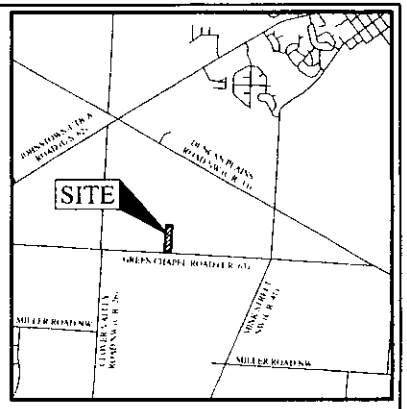
MAK: jo
6_52 ac 20240006-VS-ANNX-03.doc

EXHIBIT "B"
ANNEXATION OF 6.5± ACRES
TO THE CITY OF JOHNSTOWN FROM THE TOWNSHIP OF MONROE
LOT 7, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 15
UNITED STATES MILITARY DISTRICT
TOWNSHIP OF MONROE, COUNTY OF LICKING, STATE OF OHIO

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°00'43"E	32.23'
L2	N86°44'16"W	8.54'
L3	N52°44'59"W	55.78'

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CH. BEARING	CH. DIST.
C1	6°53'12"	87.00'	10.46'	N56°11'35"W	10.45'
C2	58°34'32"	105.00'	107.35'	N82°02'15"W	102.73'
C3	11°28'15"	506.00'	101.30'	S74°24'36"W	101.13'





LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

Contiguity Note:
Total perimeter of annexation area is 2769.72 feet, of which 261.94 feet is contiguous with the City of Johnstown giving 9% perimeter contiguity.

Proposed Annexation
of 6.5 ± 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 in 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 _ _____
Commissioner

Petition Approved _____, 20 _ _____
Commissioner

_____
Commissioner

Transferred this ___ day of _____, 20___, upon the duplicates of this office.

Containing _____ acres
Transfer Fee _____
_____
Licking County Auditor

Received for Record _____, 20 _ at _____ (AM-PM) and recorded _____, 20___ in plat ordinance, petition, etc. in Plat Book Volume ____, Page ___

Plat Fee _____
Ordinance, etc. Fee _____
_____
Licking County Recorder

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

Attest_____
Clerk, City of Johnstown

AREA TO BE ANNEXED

PROPOSED CITY OF JOHNSTOWN CORPORATION LINE

EXISTING CITY OF JOHNSTOWN CORPORATION LINE

200 0 200 400
GRAPHIC SCALE (in feet)

STATE OF OHIO
MATTHEW A. KIRK
S-7865
REGISTERED
PROFESSIONAL SURVEYOR

By Matthew A. Kirk April 29
Matthew A. Kirk Date
Professional Surveyor No. 7865
mkirk@emht.com

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614 775 4500 Toll Free: 888 775 3648
emht.com

Date April 17, 2024
Scale 1" = 200'
Job No 2024-0006
Sheet 1 of 1

REVISIONS

MARK	DATE	DESCRIPTION

CITY OF JOHNSTOWN, OHIO

ORDINANCE 23-2024

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING FOR THE INNOVATION PARK DATA CENTER CAMPUS AND DECLARING IT AN EMERGENCY.

WHEREAS, this Council by its Ordinance 28-2018 adopted September 4, 2018 (the "Original CRA Legislation"), created the Johnstown Community Reinvestment Area #4 (the "Original Area"), and by its Ordinances No. 14-2024 passed and effective June 4, 2024 and No. 20-2024 passed and effective August 20,2024 (collectively, the "CRA Expansion Legislation" and together with the Original CRA Legislation, collectively the "CRA Legislation"), amended the designation of the Original Area to include certain other parcels within the City that now collectively comprise the Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, there has been submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Ordinance (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City; and

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Project Site (as defined in the CRA Agreement) is located in the Johnstown-Monroe Local School District and it has waived its rights to (i) receive notice of this Agreement under Ohio Revised Code Sections 3735.671 and 5709.83, and (ii) approve this Agreement; and

WHEREAS, the Project Site is also located in the Licking County Joint Vocational School District (also known as "Career and Technology Education Centers of Licking County" or "C-TEC") and the City has provided notice to that District as required by Section 5709.83 of the Revised Code; and

WHEREAS, an adequate supply of water and sewer services is required for the development and operation of the Project and the City desires to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project; and

WHEREAS, this Ordinance constitutes an emergency measure necessary to provide for the public peace, health, safety and welfare of the City and for the further reason that this Ordinance is required to be immediately effective in order to permit the immediate commencement of arrangements for new development of the Innovation Park Data Center Campus in Johnstown Community Reinvestment Area #4;

DMS 44378236.2

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

Section 1. The CRA Agreement for the Project with the City, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City which shall be approved by the city manager. The City Manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Ordinance and not substantially adverse to this City that are approved by the City Manager, which approval shall be conclusively evidenced by the City Manager's execution of that CRA Agreement.

Section 2. The Memorandum of Understanding with the City, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City which shall be approved by the city manager. The City Manager, for and in the name of this City, is hereby authorized to execute that MOU and approve the character of any changes or amendments thereto as not inconsistent with this Ordinance and not substantially adverse to this City that are approved by the City Manager, which approval shall be conclusively evidenced by the City Manager's execution of that MOU.

Section 3. This Council hereby further authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or any such other appropriate officer of the City, to prepare and sign all agreements and instruments and to take any other actions (including but not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Ordinance and the transactions referenced or contemplated in this Ordinance and the CRA and the MOU authorized and approved in this Ordinance.

Section 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare, such emergency arising from the need to proceed promptly with the public purpose of economic development within the City, and therefore this Ordinance shall take effect immediately upon its passage and approval by the Mayor.

Date of Introduction: September 3, 2024
Date of Public Hearing & Vote: September 17, 2024
Effective Date:

By: _____

_____
Mayor Donald Barnard

ATTEST TO:

APPROVED AS TO FORM:

_____
Teresa Monroe, Clerk of Council

_____
Yazan Ashrawi, Law Director

DMS 44378236.2