

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-8338 FORM NO. 90043

Ordinance No. **ORDINANCE CM-23-17**

Passed _____, 20____

AN ORDINANCE DETERMINING THAT THE REAL PROPERTY OWNED BY THE VILLAGE OF WEST MILTON AND LOCATED AT 26-28 LOWRY DRIVE TO BE SURPLUS AND NOT NECESSARY OR NEEDED FOR ANY CURRENT MUNICIPAL PURPOSE AND AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO AN AGREEMENT FOR THE RENTAL OF SAME

WHEREAS, the Village of West Milton is the owner of a building and lot located at 26-28 Lowry Drive in the Village; and

WHEREAS, said building and lot are currently vacant and not necessary or needed for any current municipal purpose; and

WHEREAS, a tenant has indicated an interest in leasing said property from the Village to be utilized for a retail establishment; and

WHEREAS, the Village is willing to lease the property to a tenant under certain conditions and finds that the rental of same for a retail establishment is in the best interests of the Village.

NOW, THEREFORE, Be it ordained by the Council for the Village of West Milton, Ohio as follows:

SECTION I:

That the building and lot owned by the Village and municipally located at 26-28 Lowry Drive is hereby declared surplus and not necessary or needed for any current municipal purpose, and the Municipal Manager is hereby authorized to execute the attached lease agreement with the referenced tenant for the lease of same.


SECTION II:

That the Municipal Manager is authorized to renew the lease agreement at the end of the term with adjustments in rent or terms with the current tenant, as long as such changes in the lease agreement are consistent with the general substance and terms and conditions of the current lease agreement and as long as the rent charged is consistent with the Village market for similar rental properties.

SECTION III:

This Ordinance shall become effective from and after the earliest date permitted by law.

Passed this 11th day of April 2023



Anthony Miller, Mayor

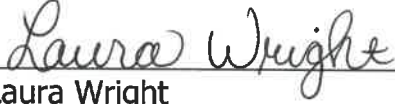
RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20____

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM:



Lenee' M. Brosh
Law Director

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-8338 FORM NO. 80043

Ordinance No. **ORDINANCE CM-23-18**

Passed _____, 20____

AN ORDINANCE AUTHORIZING THE MUNICIPAL MANAGER TO TAKE ANY AND ALL NECESSARY ACTIONS TO CONVEY A CERTAIN REAL PROPERTY TO JAMES A. SARVER AND A CERTAIN REAL PROPERTY FROM JAMES A. SARVER AS PART OF A REAL ESTATE EXCHANGE

WHEREAS, James A. Sarver owns the property located at 2 S. Miami Street and 6 S. Miami Street, West Milton, Ohio; and

WHEREAS, James A. Sarver has submitted a Proposed Agreement for Community Reinvestment Area Tax Incentives in regards to said property for additions/new construction and improvements to the existing building(s); and

WHEREAS, it has been determined that said property qualifies for the Community Reinvestment Area Tax Incentives pursuant to Section 150.256 of the West Milton Codified Ordinances; and

WHEREAS, said property is located in the downtown business district and is, therefore, exempt from the 1.5% development fee pursuant to Section 150.333(C) of the West Milton Codified Ordinances; and

WHEREAS, James A. Sarver has proposed a land exchange with the Municipality as part of his plans for additions/new construction and improvements to the existing building; and

WHEREAS, the land being exchanged as been determined to be of inconsequential value; and

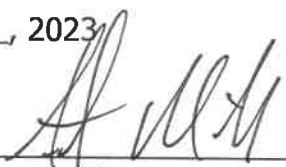
WHEREAS, Council is satisfied that there is good cause to transfer said portions of the Municipality's property in exchange for a portion of Mr. Sarver's property and that it will not be detrimental to the general interest of the public.

NOW, THEREFORE, Be it Ordained by the Council for the Municipality of West Milton, Ohio, that:

SECTION I: Council hereby authorizes the Municipal Manager to take all necessary steps to convey the property described in Exhibit "A," in fee simple, to James A. Sarver and to accept the property described in Exhibit "B", in fee simple, from James A. Sarver in order to finalize the land exchange for the purpose of improving the downtown business district in compliance with the plans submitted by James A. Sarver for additions/new construction and improvements. Exhibit "A" and Exhibit "B" are attached hereto and incorporated herein as if fully rewritten.

SECTION II: This Ordinance shall be effective on and after the earliest date permitted by law.

Passed this 11th day of April, 2023



Anthony Miller, Mayor

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20____

ATTEST:

Laura Wright

Laura Wright, Clerk of Council

APPROVED AS TO FORM:

Lenee M. Brosh

Lenee' Brosh, Law Director

EXHIBIT "A"

**LEGAL DESCRIPTION
0.044 ACRES**

BEING A PART OF A TRACT OF LAND OWNED BY THE VILLAGE OF WEST MILTON AS CONVEYED IN OFFICIAL RECORD 110, PAGE 657 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN PART INLOT 63 AND PART INLOT 70 IN THE VILLAGE OF WEST MILTON, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the northwest corner of Inlot 70 in the Village of West Milton and being on the south right-of-way line of Hamilton Street and the east right-of-way line of Miami Street;

thence, South $13^{\circ}44'48''$ East, 49.50 feet, along the east right-of-way line of Miami Street to an iron pin with cap set on the southwest corner of a tract of land owned by James A. Sarver as described in Official record 270, Page 784 and being the principal place of beginning of the tract herein described;

thence, North $76^{\circ}07'43''$ East, 86.50 feet, along the south line of said Sarver tract to an iron pin with cap set on a new division line;

thence, South $31^{\circ}44'08''$ West, 37.60 feet, to a Mag nail set;

thence, South $76^{\circ}07'43''$ West, 59.69 feet, to a Mag nail set on the east right-of-way line of Miami Street;

thence, North $13^{\circ}44'48''$ West, 26.30 feet, along the east right-of-way line of Miami Street to the principal place of beginning.

Containing 0.044 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

Legal Description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629 on February 23, 2023 and is pending approval by the Miami County Auditor's and Engineer's Offices.

EXHIBIT "B"

**LEGAL DESCRIPTION
0.013 ACRES**

BEING A PART OF A TRACT OF LAND OWNED BY JAMES A. SARVER AS CONVEYED IN OFFICIAL RECORD 270, PAGE 784 OF THE MIAMI COUNTY DEED RECORDS, SITUATE IN PART INLOT 70 IN THE VILLAGE OF WEST MILTON, MIAMI COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at the northwest corner of Inlot 70 in the Village of West Milton and being on the south right-of-way line of Hamilton Street and the east right-of-way line of Miami Street;

thence, South 13°44'48" East, 49.50 feet, along the east right-of-way line of Miami Street to an iron pin with cap set on the northwest corner of a tract of land owned by the Village of West Milton as conveyed in Official Record 110, Page 657;

thence, North 76°07'43" East, 137.00 feet, along the north line of said Village of West Milton tract to an iron pin with cap set and being the principal place of beginning of the tract here in described;

thence, North 13°44'48" West, 21.00 feet, along a new division line to an iron pin with cap set on the south line of a tract of land owned by James A. Sarver; T.O.D. as described Deed Book 792, Page 228;

thence, North 76°07'43" East, 28.00 feet, along the south line of said Sarver tract to a cut cross set on the west right-of-way line of Washington Street;

thence, South 13°44'48" East, 21.00 feet, along the west right-of-way line of Washington Street to a cut cross set on the north line of said Village of West Milton tract;

thence, South 76°07'43" West, 28.00 feet, along the north line of said Village of West Milton tract to the principal place of beginning.

Containing 0.013 acres more or less and all being subject to any legal highways and easements of record.

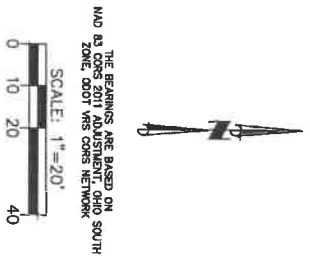
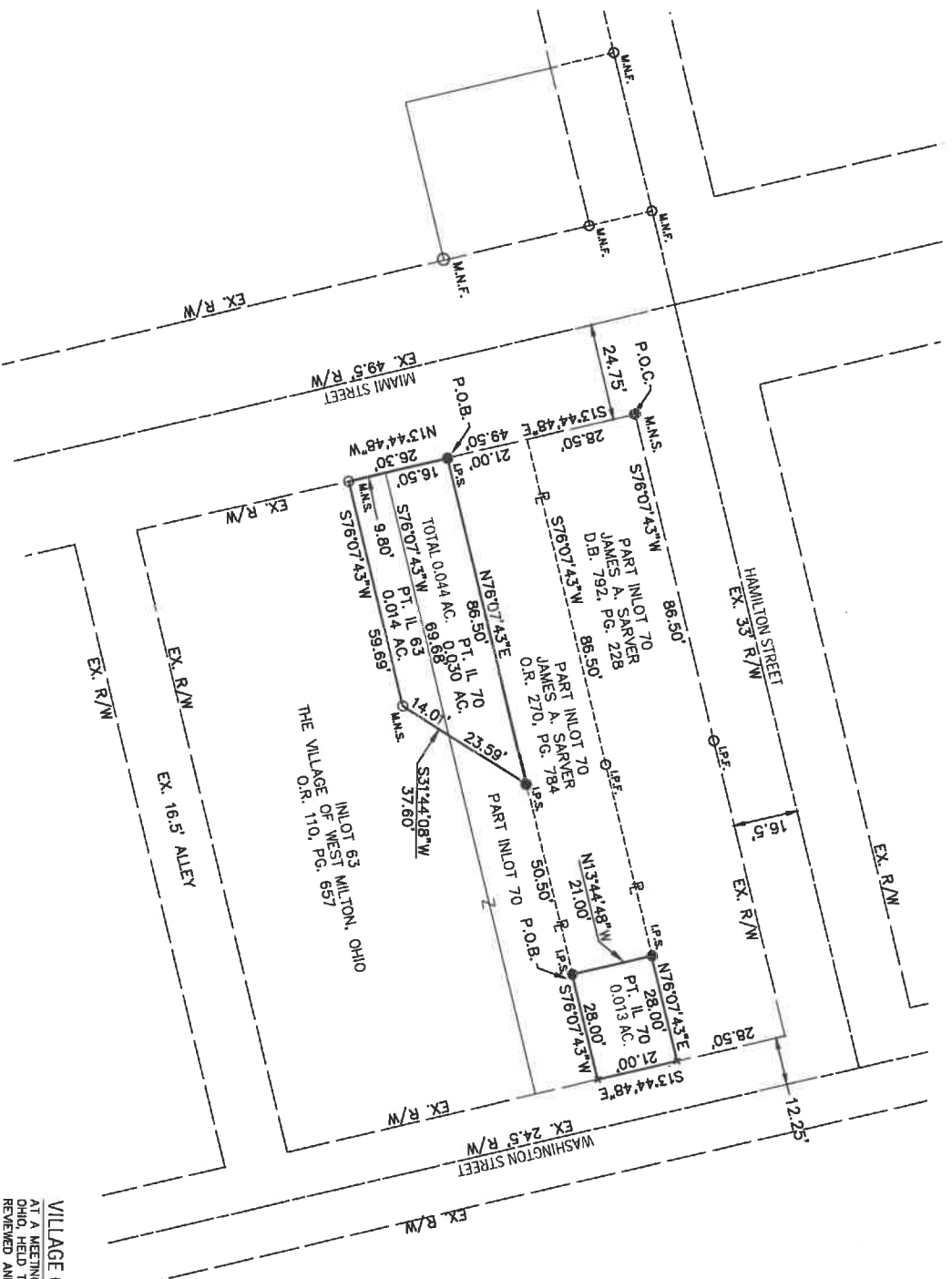
The bearings are based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

Legal Description was prepared by Allen J. Bertke, Ohio Professional Surveyor Number 8629 on February 23, 2023 and is pending approval by the Miami County Auditor's and Engineer's Offices.

SARVER SURVEY

PT. INLOT 63 & PT. INLOT 70 WEST MILTON MIAMI, OHIO N-60
 VILLAGE INLOT COUNTY TAX MAP

VOLUME _____ PAGE _____
 MIAMI COUNTY ENGINEER'S
 RECORD OF LAND SURVEYS
 _____ 20 _____



- LEGEND**
- I.P.S. 5/8" X 30" REBAR
 - I.P.S. W/CAP SET
 - I.P.S. IRON PIN FOUND
 - M.M.S. MAG NAIL SET
 - M.M.S. MAG NAIL FOUND
 - * CUT "X" SET IN CONCRETE

SURVEY REFERENCE
 LOT SURVEY 9, PG. 83
 LOT SURVEY 13, PG. 16
 LOT SURVEY 24, PG. 111
 LAND SURVEY 61, PAGE 146

VILLAGE OF WEST MILTON PLANNING BOARD
 AT A MEETING OF THE PLANNING COMMISSION OF THE VILLAGE OF WEST MILTON,
 OHIO, HELD THIS _____ DAY OF _____ 20____ THIS PLAT WAS
 REVIEWED AND APPROVED.

CHAIRMAN _____ SECRETARY _____

ALLEN J. BERTKE, P.S. #9629 _____ DATE _____



PREPARED BY: _____ DATE: 02-27-2023
 DRAWN BY: A.I.B.
ChoiceOne
 ENGINEERING
 51871, OHIO 991.697.000
 LORAIN, OHIO 513.259.2554
 WWW.CHOICEONEENGINEERING.COM

JOB NUMBER: M/A/W/M/2304
 SHEET NUMBER: 1 OF 1

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. **RESOLUTION CM-23-22** Passed _____, 20____

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ENTER INTO A CONTRACT WITH WESSLER ENGINEERING, INC. FOR THE PURPOSE OF INSTALLING A SYSTEM THAT ALLOWS REMOTE MONITORING AND COMMUNICATION OF THE EQUIPMENT ASSOCIATED WITH THE MUNICIPALITY'S UTILITY SYSTEMS

WHEREAS, the Municipality currently has no system in place that allows employees to monitor and communicate with equipment associated with the Municipality's utility systems remotely; and

WHEREAS, municipal water and sewer departments can use a Supervisory Control and Data Acquisition (SCADA) system to prevent and troubleshoot problems, as well as having other benefits, such as reducing energy costs, shortening response times, controlling factory processes locally or remotely and communicating with valves, motors and sensors; and

WHEREAS, the Director of Service believes that a SCADA system is necessary in order for the Municipality to operate at an optimum level and handle matters associated with the utility system in an efficient and timely manner; and

WHEREAS, Wessler Engineering, Inc. has evaluated the utility systems and determined the problem areas at each station, the equipment needed and how the equipment needs to communicate with the systems; and

WHEREAS, Wessler Engineering, Inc. will also be the entity making adjustments and repairs to the system when needed from time to time; and

WHEREAS, the 2023 budget for water and sewer capital improvements has \$200,000 budgeted for this project and this project is not expected to exceed \$204,000.00; and

WHEREAS, the Municipal Manager is requesting that Council waive the formal bidding process for this purchase by an affirmative vote of five Council members pursuant to Section 33.18(9) of the West Milton Codified Ordinances based on there being no benefit to the municipality to undertake formal bidding and it being in the best interest of the municipality to waive the formal bidding process due to Wessler Engineering, Inc. already doing the ground work for this process and also being the entity that will be in charge of making adjustments and repairs to the system in the future, which is a savings to the Municipality of approximately \$5,000.00.

NOW, THEREFORE, be it Resolved by the Council of the Municipality of West Milton, Ohio that:

SECTION I: Council hereby waives the formal bidding requirement by an affirmative vote of five Council members pursuant to Section 33.18(9) of the West Milton Codified Ordinances.

SECTION II: Council authorizes the Municipal Manager to enter into a contract with Wessler Engineering, Inc., 80 State Route 103, Suite C, Bluffton, Ohio 45817, for the installation of a SCADA system for the utility systems.

RECORD OF RESOLUTIONS

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. _____ Passed _____, 20____


SECTION III:

The Municipal Manager and Director of Service are hereby authorized to execute all the proper documents required to complete said installation.

SECTION IV:

This Resolution shall take effect and be in force from and after its passage.

Passed this 11 day of April 2023



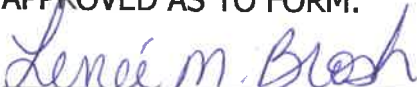
Anthony Miller, Mayor

ATTEST:



Laura Wright
Clerk of Council

APPROVED AS TO FORM:



Lenee' M. Brosh
Law Director