

Ordinance No. 19-82

ATTEST: \_\_\_\_\_  
Susan Culbertson  
Clerk of Council

\_\_\_\_\_  
Daniel M. Vincent  
President of Council

APPROVED: \_\_\_\_\_, 2019

This legislation approved as to form:

\_\_\_\_\_  
Jeff Tilton, Mayor

  
\_\_\_\_\_  
Law Director's Office

Ways & Means Committee  
Ann Gildow, Chair

**ORDINANCE NO. 19 - 69  
INTRODUCED BY COUNCIL**

**APPROVING THE TRANSFER OF THE REAL PROPERTY ASSET  
MUSKINGUM COUNTY TAX PARCEL NO. 84-21-01-10-000 AND  
TAX PARCEL NO. 84-21-01-29-000 (1142/46 CENTRAL AVENUE)  
FROM THE VEHICLE MAINTENANCE DIVISION TO THE WATER  
DIVISION.**

**WHEREAS**, Ordinance 18-25 authorized the purchase of Muskingum County Tax Parcel number 84-21-01-10-000 and Muskingum County Tax Parcel number 84-21-01-29-000, known as 1142/46 Central Avenue, for use by the Vehicle Maintenance Division; and

**WHEREAS**, various City funds were used to purchase said parcels, proportionally expended between all of the City Funds which utilize Vehicle Maintenance services, including the Water Fund; and

**WHEREAS**, it has been determined that costs associated with the improvements of the facilities would be reduced if utilized by the Water Division; and

**WHEREAS**, the City Auditor has agreed to a repayment schedule from the Water Fund to the various other City funds for the costs associated with the purchase of the parcels and any other expended costs associated with the construction design and construction; and

**WHEREAS**, the Water Fund will assume ownership of the property and will fund the remaining costs associated with design and construction of improvements.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Zanesville, State of Ohio, that:

**SECTION ONE:** The Zanesville City Council hereby approves the transfer of the real property asset known as Muskingum County Tax Parcel number 84-21-01-10-000 and Muskingum County Tax Parcel number 84-21-01-29-000 into the Water Fund.

**SECTION TWO:** The City Budget and Finance Director is hereby authorized to draw and distribute repayments in the amount of \$504,000 from the Water Fund in the following scheduled amounts:

General Fund = \$336,000 - Sewer Fund = \$84,000 - Sanitation Fund = \$84,000

**SECTION THREE:** After concurrence between the Auditors' Office and the Budget and Finance Office; total repayment may occur within the FY 2019, or repayment may be made 50% in FY 2019 and 50% in FY 2020.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**PASSED:** \_\_\_\_\_, 2019

**ATTEST:**

\_\_\_\_\_  
Susan Culbertson  
Clerk of Council

\_\_\_\_\_  
Daniel M. Vincent  
President of Council

APPROVED: \_\_\_\_\_, 2019

THIS LEGISLATION APPROVED  
AS TO FORM

\_\_\_\_\_  
Jeff Tilton, Mayor

  
\_\_\_\_\_  
Law Director's Office

**ORDINANCE NO. 19 - 71  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO EXECUTE AN AGREEMENT WITH THE MUSKINGUM COUNTY COMMUNITY FOUNDATION FOR THE CARE AND IMPROVEMENT OF RESTORATION PARK.**

**WHEREAS**, the City of Zanesville acquired 260 West Muskingum Avenue, further identified as Muskingum County Tax Parcel Numbers 81-20-01-05-000, 81-20-01-06-000, and 81-20-01-07-000, which were empty lots along the Muskingum River and Putnam Avenue; and

**WHEREAS**, Ordinance No. 99-99 established and dedicated the premises as a park, now known as Restoration Park, and established an agreement with Bart & Kate Hagemeyer to maintain and further develop the property; and

**WHEREAS**, over the following 16 years, the Hagemeyers invested their time and resources to maintain and improve the property to be a valuable space along the Muskingum River and the Putnam area; and

**WHEREAS**, Ordinance No. 15-26 authorized an adjustment to the agreement with the Hagemeyers allowing for a third party to assume the Hagemeyer's responsibilities under the previous ordinance; and

**WHEREAS**, since that time, a group of business owners and volunteers have stepped forward to maintain and further improve Restoration Park; and

**WHEREAS**, recently, the City Auditor requested that a new agreement be developed to better delineate the roles and responsibilities, and to designate the distribution of any funds created from the use of a public property.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Zanesville, State of Ohio, that:

**SECTION ONE:** The proper City official is hereby authorized to execute an agreement with the Muskingum County Community Foundation, attached as "Exhibit A" to this legislation, for the care and improvement of Restoration Park, identified as 260 West Muskingum Avenue, Muskingum County Tax Parcel Numbers 81-20-01-05-000, 81-20-01-06-000, and 81-20-01-07-000.

**SECTION TWO:** This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**PASSED:** \_\_\_\_\_, 2019

**ATTEST:**  
\_\_\_\_\_  
SUSAN CULBERTSON,  
Clerk of Council

\_\_\_\_\_  
DANIEL M. VINCENT,  
President of Council

**APPROVED:** \_\_\_\_\_, 2019

\_\_\_\_\_  
JEFF TILTON,  
Mayor

**THIS LEGISLATION APPROVED  
AS TO FORM**

  
\_\_\_\_\_  
LAW DIRECTOR'S OFFICE

## AGREEMENT

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Muskingum County Community Foundation (herein "MCCF") and the City of Zanesville, Ohio, (herein "City").

WHEREAS, the City is the owner of a certain real estate located at 260 West Muskingum Avenue (herein "Premises") and bounded and described as follows:

Being 1.710 acres, more or less, deeded to the City of Zanesville under deed in Deed Book 518, Page 526 of the Muskingum Count Records and filed on September 14<sup>th</sup>, 1962, BUT being reduced by 0.195 acres, more or less, deeded to the Anchor Hocking Corporation under deed in Deed Book 683, Page 58 of the Muskingum County Records and filed on July 10<sup>th</sup>, 1974, leaving a net acreage of 1.515 acres, more or less; and,

WHEREAS, the Premises has received investment from the Putnam area residents and businesses through private donations to fund the capital costs of restoration and improvement and also to fund continuing maintenance; and,

WHEREAS, Zanesville City Council, by way of Ordinance No. 99-99 established and dedicated the premises as a park (known as Restoration Park) commencing July 1, 1999; and,

WHEREAS, Zanesville City Council, amended Ordinance No. 99-99 through enactment of Ordinance No. 15 - 26 the former lessee to transfer their interest in the Premises to a Third Party and also relived the same of providing commercial liability insurance on the condition of the execution of a hold harmless and indemnity agreement; and,

WHEREAS, both parties agree it is practical to now renew the terms and expectation of the relationship for the ongoing care and improvements to Restoration Park.

NOW THEREFORE, in consideration of the mutual promises, it is hereby agreed by the parties as follows:

SECTION 1. The MCCF agrees to maintain the Premises as a public park, and improve and develop the Premises as decided by the MCCF, as personal, charitable, or grant type funds become available. All such improvements will be subject to approval by the Public Service Director of the City of Zanesville or their successors.

SECTION 2. The MCCF agrees to, at MCCF's sole cost and expense, perform the following maintenance tasks with respect to the Park:

- a) Perform routine maintenance of turf, trees and shrubs;
- b) Planting of seasonal flowers, if any;
- c) All trimming, edging, and shrub pruning;