

Exhibit A



**Linn Engineering, Inc.**

*Civil Engineering Consultants*

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534 Market Street • P.O. Box 2086 • Zanesville, Ohio 43702-2086

**Street and Alley Vacations  
Western Addition to the City of Zanesville**

Situated in the State of Ohio, County of Muskingum, City of Zanesville, bounded and described as follows:

Being a part of Alley 2, Beech Street and Pearl Street of Western Addition to the City of Zanesville, as designated and delineated Plat Book 1, Page 15, being more particularly described as follows:

**Vacation of Alley 2**

Beginning at the southwest corner of Lot 1, Square 24 of said Western Addition to the City of Zanesville;

thence along the south line of Lots 1, 2 and 3 of Square 24 and across previously vacated Alley A South 49 degrees 27 minutes 00 seconds East 136.00 feet to the southwest corner of Lot 4 Square 24;

thence across the northwest end of previously vacated Alley 2, South 40 degrees 33 minutes 00 seconds West 16.00 feet to the northwest corner of Lot 10;

thence North 49 degrees 27 minutes 00 seconds West 136.00 feet to the northwest corner of Lot 7;

thence along the east line of State Street, North 40 degrees 33 minutes 00 seconds East 16.00 feet to the place of beginning, containing 0.050 acres, more or less, subject to all easements and right of ways, written or implied.

**Vacation of Beech Street**

Beginning at the southwest corner of Lot 7, Square 21 of said Western Addition to the City of Zanesville;

thence along the south line of Lots 7, 8 and 9 of Square 21 and across previously vacated Alley A, South 49 degrees 27 minutes 00 seconds East 136.00 feet to the southwest corner of Lot 10 Square 21;

thence across previously vacated Beech Street, South 40 degrees 33 minutes 00 seconds West 60.00 feet to the northwest corner of Lot 4 Square 24;

thence North 49 degrees 27 minutes 00 seconds West 136.00 feet to the northwest corner of Lot 1 Square 24;

Exhibit A

thence along the east line of State Street, North 40 degrees 33 minutes 00 seconds East 60.00 feet to the place of beginning, containing 0.187 acres, more or less, subject to all easements and right of ways, written or implied.

**Vacation of Alley 3**

Beginning at the southwest corner of Lot 4 Square 21 of said Western Addition to the City of Zanesville;

thence along the south line of Lots 4, 5 and 6, and across the previously vacated Pearl Street, South 49 degrees 27 minutes 00 seconds East 180.00 feet to the former southeast line of said Pearl Street;

thence along the former southeast line of previously vacated Pearl Street, South 40 degrees 33 minutes 00 seconds West 16.00 feet;

thence across the previously vacated Pearl Street and along the north line of Lots 10, 11 and 12, North 49 degrees 27 minutes 00 seconds West 180.00 feet to the northwest corner of Lot 10;

thence North 40 degrees 33 minutes 00 seconds East 16.00 feet to the place of beginning, containing 0.066 acres, more or less, subject to all easements and right of ways, written or implied.

**Vacation of Pearl Street**

Beginning at the southeast corner of Lot 12 Square 17 of said Western Addition to the City of Zanesville;

thence South 49 degrees 27 minutes 00 seconds East 30.00 feet to the former centerline of previously vacated Pearl Street;

thence along said former centerline, South 40 degrees 32 minutes 58 seconds West 60.00 feet;

thence North 49 degrees 27 minutes 00 seconds West 30.00 feet to the northeast corner of Lot 6 Square 21;

thence North 40 degrees 33 minutes 00 seconds East 60.00 feet to the place of beginning, containing 0.041 acres, more or less, subject to all easements and right of ways, written or implied.

Bearings are based on Ohio State Plane Coordinate System, NAD 83, South Zone, Grid North, as per GPS observation made on July 21, 2016.

This description is written from a field survey on July 21, 2016 and record documents by Timothy H. Linn, PS.

\_\_\_\_\_  
Timothy H. Linn, Reg. No. 7113

\_\_\_\_\_  
Date

Community Development Committee  
Mark Baker, Chair

**ORDINANCE NO. 19-130  
INTRODUCED BY COUNCIL**

**AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO SIGN AN AMENDMENT TO THE PROGRAMATIC AGREEMENT BETWEEN THE CITY OF ZANESVILLE AND THE OHIO HISTORIC PRESERVATION OFFICE.**

**WHEREAS**, The City of Zanesville receives Community Development Block Grant (CDBG) funds from the Ohio Development Services Agency; and

**WHEREAS**, the source of CDBG funds is the U. S. Department of Housing and Urban Development; and

**WHEREAS**, in accordance with 24 CFR Part 58, the City assumes responsibility for environmental review, decision-making and actions that would otherwise apply to HUD under the National Environmental Policy Act (NHPA) and other provisions of the law, and this agreement coordinates the analysis and review of projects as provided under 36 CFR Part 800, regulations implementing Section 106 of the NHPA; and

**WHEREAS**, the City has determined that the undertakings it carries out using HUD funding sources may affect properties that are listed or eligible for listing in the National Register of Historic Places; and

**WHEREAS**, the Programmatic Agreement, attached as Exhibit A, outlines the responsibilities of the City and the State Historic Preservation Office (SHPO) pursuant to Section 106 and Section 110(f) of the NHPA and the regulations at 36 CFR Part 800; and

**WHEREAS**, the current Programmatic Agreement (PA) between the City and SHPO expires on December 31, 2019; and

**WHEREAS**, communities that do not execute a PA will have to complete standard Section 106 consultations (as defined at 36 CFR Part 800) for all of their undertakings; and

**WHEREAS**, in order to take advantage of this opportunity for streamlining through the use of PAs that allow for routine activities to be exempted from individual review, a new PA must be executed and submitted to the SHPO.

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

**SECTION ONE:** City Council authorizes the Mayor to sign the Programmatic Agreement, attached as Exhibit A and to forward the executed copy to the State Historic Preservation Office.

**SECTION TWO:** The 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  
FORM

THIS LEGISLATION APPROVED AS TO

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

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

**PROGRAMMATIC AGREEMENT  
for Coordination  
between  
City of Zanesville  
and the  
Ohio State Historic Preservation Office  
for the  
Administration of Programs Using HUD Allocated Funds with Delegated Review  
Responsibilities Authorized Under 24 CFR Part 58**

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) has allocated Community Development Block Grant (CDBG) and other funds to the State of Ohio Development Services Agency (“State”); and

**WHEREAS**, the State has awarded CDBG and other funds to City of Zanesville (hereinafter referred to as “grantee”); and

**WHEREAS**, the funding sources covered by this Programmatic Agreement may include, but are not limited to CDBG, Home Investment Partnership (HOME), Economic Development Initiative (EDI), Emergency Shelter Grants, Supportive Housing, Housing Opportunities for Persons with AIDS (HOPWA), and Neighborhood Stabilization Program (NSP) Grants; and

**WHEREAS**, in accordance with 24 CFR Part 58, the grantee assumes responsibility for environmental review, decision-making, and actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of law and this agreement coordinates the analysis and review of projects as provided under 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), in order to meet the purposes and requirements of both statutes in a timely and efficient manner; and

**WHEREAS**, the grantee has determined that the undertakings it carries out using the above-listed HUD funding sources may affect properties that are listed in or eligible for listing in the National Register of Historic Places (“National Register”); and

**WHEREAS**, the grantee has consulted with the Ohio State Historic Preservation Officer (SHPO) regarding the development of this agreement pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (“NHPA”) (54 U.S.C. § 306108); and

**WHEREAS**, the grantee has consulted with the Muskingum History organization regarding the implementation of this agreement and public notification procedures and invited it to concur in this agreement; and

**WHEREAS**, the grantee and the SHPO agree that by following the procedures outlined in this agreement, the grantee will be able to meet its obligations pursuant to 36 CFR Part 800 to take into account the effects of federally assisted projects on historic properties and provide the ACHP with an opportunity to comment.

**NOW, THEREFORE**, the grantee and the SHPO have agreed to carry out their respective responsibilities pursuant to Section 106 and Section 110(f) of the NHPA and the regulations at 36 CFR Part 800, in accordance with the following stipulations:

## **STIPULATIONS**

### **I. New Construction & Archaeology**

New construction is not exempt and must be submitted to the SHPO for review.

In the event the grantee plans any ground disturbance as part of a rehabilitation, new construction, site improvement, or other undertaking, the grantee will consult with the SHPO to determine whether the undertaking will affect an archaeological property eligible for or listed in the National Register. This stipulation shall not be interpreted to include a limited subset of ground-disturbing activities that are exempt from review, as described in Stipulation II.B.2.

### **II. Exempt Activities**

A. If the grantee determines that an undertaking only involves buildings that are less than fifty years old, or if the undertaking includes only exempt activities (as defined by Stipulations II. B., II. C., and II. D), then the undertaking shall be deemed exempt from further review. Such undertakings will require no review under the terms of this agreement because these activities will generally not affect historic properties.

1. This stipulation may include the demolition of buildings less than fifty years old, so long as the building has not previously been determined to be eligible for listing or listed in the National Register of Historic Places.
2. The grantee will keep documentation of this decision to exempt specific undertakings in its files and compile a complete list of exempt undertakings annually, as required in Stipulation VIII.

B. If the proposed undertaking falls within one of the following categories, the activities shall be deemed exempt:

1. Non-Construction Work and Development, General Exclusions
  - a. Public service program that does not physically impact buildings or sites.
  - b. Architectural and engineering design fees and other non-construction fees and costs.