

**CITY COUNCIL AGENDA**  
**April 20, 2020**  
**Zoom Videoconference meeting**  
**7:30p.m.**

**The council meeting will be conducted via Zoom Videoconferencing with public access through YouTube and Facebook.**

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
- VI. UNFINISHED BUSINESS**
- VII. NEW BUSINESS**
  1. First Reading – RESOLUTION NO. 2020-21  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REHABILITATION OF THE CORRUGATED METAL CULVERTS UNDER THE DIX EXPRESSWAY, AND DECLARING AN EMERGENCY (Silvestri)
  2. First Reading – RESOLUTION NO. 2020-22  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATERLINE ON HOLMES BOULEVARD AND CALDWELL DRIVE, AND DECLARING AN EMERGENCY (Silvestri)
  3. First Reading – RESOLUTION NO. 2020-23  
A RESOLUTION DECLARING IT NECESSARY TO EXTEND DAISY WAY FROM OLD AIRPORT ROAD TO THE EXISTING DAISY WAY AND TO DETERMINE ASSESSMENTS FOR AFFECTED PROPERTY OWNERS, AND DECLARING AN EMERGENCY (Bostancic)
  4. First Reading – ORDINANCE NO. 2020-10  
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CERTIFIED ANGUS BEEF, LLC FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY (Ansel)
  5. First Reading – RESOLUTION NO. 2020-24  
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY (Warden)
  6. First Reading – ORDINANCE NO. 2020-11  
AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A MULTIPLE PARCEL SITE KNOWN AS PARCELS 53-00145.000, 53-00145.002, 53-01626.001 AND 53-01626.000 WHICH ARE CONTIGUOUS TO THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY. (Robert Reynolds, Esq., Agent for Petitioners The Wooster City School District and The City of Wooster) (Sanders)

Revised 4-20-20 @ 3:00 p.m.

7. First Reading – ORDINANCE NO. 2020-12

AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A SINGLE PARCEL SITE KNOWN AS 2150 OAK HILL ROAD, WOOSTER, OHIO (PARCEL 53-00300.000) WHICH IS CONTIGUOUS TO THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY. (Robert Reynolds, Esq., Agent for Petitioners Terry and Beverly Raber) (Sanders)

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**



4-20-2020

Res 2020-21

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> April 20, 2020
<b>Project Name</b> Dix Culvert Lining Project	<b>Estimated Total Funds/Costs</b> \$90,000.00 (Storm Sewer Funds)
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to advertise for bids and to enter into a contract with the lowest and best bidder for the rehabilitation of an existing xx" corrugated metal culvert running under the Dix. The flowline has deteriorated to the point the culvert needs to be either replaced or repaired in place. The proposed rehabilitation will spray the inside of the corrugated metal culvert with a cement liner and restore the structural integrity of the culvert. All engineering design, construction administration and inspection will be performed by the engineering staff.	
<b>Justification / Benefits</b> The flowline of the existing corrugated metal culvert has deteriorated and there is a possibility of failure.	
<b>Will this Project affect the City's Operating Costs</b> This project should have no effect on the City's operating budget.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The alternative is to do nothing and have the culvert fail then do an emergency repair and closure of the Dix.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this project as early as possible.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> April 10, 2020
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	



4-20-2020

Resolution  
2020-22

**Request for Agenda Item**

**Authorization for Bid**



**Purchase Capital Item**



**Non-Capital**



<b>Division:</b> Engineering	<b>Meeting Date Requested</b> April 20, 2020
<b>Project Name</b> Holmes/Caldwell Waterline Replacement Project	<b>Estimated Total Funds/Costs</b> \$400,000 Water Fund
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, three readings NOT REQUIRED	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to authorize the advertisement for bids and to enter into a contract with the lowest and best bidder for the replacement of the waterline on Holmes Blvd. and Caldwell Drive. This project involves the replacement of approximately 2650 linear feet of 6" cast iron W/L with a history of breaks. The replacement pipe shall be 8" ductile iron pipe. The project includes replacing 20 water services and 5 fire hydrants. All of the engineering design, construction administration and inspection will be performed in-house by the engineering staff.	
<b>Justification / Benefits</b> The project will replace an aging waterline with a history of breaks and help to improve the overall water quality in the area.	
<b>Will this Project affect the City's Operating Costs</b> This project should lower operation and maintenance costs.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We could do nothing and continue to perform maintenance on the aging waterline.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Suspension of the rules is not necessary but earlier passage would allow the opportunity to bid this project as early as possible in order to obtain the best possible bids.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> April 10, 2020
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

RESOLUTION NO. 2020-23

A RESOLUTION DECLARING IT NECESSARY TO EXTEND DAISY WAY FROM OLD AIRPORT ROAD TO THE EXISTING DAISY WAY AND TO DETERMINE ASSESSMENTS FOR AFFECTED PROPERTY OWNERS, AND DECLARING AN EMERGENCY

WHEREAS, The City has been granted funds for the purpose of extending Daisy Way.

WHEREAS, Extending Daisy Way is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to extend Daisy Way from Old Airport Road to the existing Daisy Way and begin the process of determining assessments to affected property owners.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has prepared and filed in the office of the Clerk of Council, are hereby approved. The improvement shall be constructed in accordance with the plans, specifications and profiles for the improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this city and its inhabitants, and (ii) the lots and lands to be assessed as described in Section 6 are specially benefited by the improvement.

SECTION 4. This Council finds that the costs are budgeted for 2020.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 6% per year on monies advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be

based upon the estimate of cost now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in fifteen annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of that portion of the cost of the improvement, after application of the special assessments, shall be paid by the issuance of securities in the manner provided by law or from other funds available for that purpose.

SECTION 9. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 10. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that this resolution is required to be immediately effective in order to provide for the construction of the improvement, which is necessary to eliminate existing hazards to the traveling public and provide for adequate drainage and utility services to the residents of this City; wherefore, this Resolution shall be in full force and effect from and immediately upon its adoption and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2020 Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council President of Council

Approved: \_\_\_\_\_, 2020  
Mayor

Introduced by: Bill Bostancic

4-20-2020

Res. 2020-23

### Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

<b>Division:</b> Engineering	<b>Meeting Date Requested</b> April 20, 2020
<b>Project Name</b> Daisy Way Extension Resolution of Necessity for Improvements	<b>Estimated Total Funds/Costs</b> \$1,000,000 (\$389,000 Capital Fund)(\$250,000 Ohio Jobs & Commerce) (\$200,000 TID)(\$161,000 Assessments)
<b>Is Full Amount Budgeted?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If YES, three readings NOT REQUIRED</b>	
<b>If No, How is the Purchase to be Funded?</b>	
<b>Description of Request</b> This is a request to declare the necessity of extending Daisy Way from Old Airport Road to the existing Daisy Way and begin the process of determining assessments to affected property owners. Property owners have been notified and are in complete agreement with this project.	
<b>Justification / Benefits</b> The design of this project is completed and has been awarded funds through Ohio jobs and Commerce as well as the County TID. Design drawings, cost estimate and assessment roll are on file with the clerk of council.	
<b>Will this Project affect the City's Operating Costs</b> This project will have a minimal effect on the City's operating budget since it will be a new street and will need to be maintained.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> We can do nothing and forfeit the grant money and have no connection from Old Airport Road to Geyers Chapel Road.	
<b>Is this a Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>If Yes, Explain The Circumstances:</b>	
<b>Is there a need for Suspension of the Rules or a Time Frame when this must be passed?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, Note Reasons</b> The assessment process needs to begin as soon as possible so that construction can be completed this year.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	
<b>Manager Requesting:</b> Roger Kobilarcsik	<b>Date:</b> April xx, 2020
<b>Approved for Agenda</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	

ORDINANCE NO. 2020-10

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CERTIFIED ANGUS BEEF, LLC FOR CERTAIN TAX INCENTIVES, AND DECLARING AN EMERGENCY

WHEREAS, Certified Angus Beef LLC is a not-for-profit enterprise that desires to construct an approximately 18,000 sq. ft. print-shop/warehouse facility in the City of Wooster, including a real property investment of \$750,000 to \$1,250,000 in new development, and desires to create six new full-time positions at the future facility, and has requested tax abatement as an incentive to such new construction; and

WHEREAS, the Wooster Growth Corporation, as the designated community improvement corporation for the City of Wooster, has reviewed the request for tax abatement and has recommended its adoption; and

WHEREAS, the proposed project site is located in Enterprise Zone 115C, and falls under the purview of the Wayne County Rural Enterprise Zone, which is authorized and managed under the Wayne County Commissioners, and

WHEREAS the Wayne County Rural Enterprise Zone requires projects within City of Wooster limits to first to attain authorization and secure an agreement through the City of Wooster prior to final consideration;

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

SECTION 1. That the Mayor is authorized to enter into an agreement on behalf of the City of Wooster with Certified Angus Beef LLC for tax abatement. The terms of such agreement will include, but not be limited to, the following: (1) abatement of real property taxes of 50%; (2) for a maximum term not to exceed ten (10) years; (3) a provision that Certified Angus Beef LLC for an additional year for each year of abatement, subject to the disgorgement of all abated taxes; and (4) such other terms as the Mayor, in his discretion, deems appropriate.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to facilitate construction of a new print-shop and warehouse facility by Certified Angus Beef, LLC; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2020

Vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_

President of Council

Approved: \_\_\_\_\_, 2020

\_\_\_\_\_

Mayor

Introduced by: Jon Ansel

ORD 2020-10

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division Development	Meeting Date Requested April 20, 2020
Project Name Certified Angus Beef LLC	Estimated Total Funds/Costs \$0.00
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? N/A - Request from base-industry employer. Project, with exemption, will increase overall tax revenues.	
<b>Description of Request</b> Certified Angus Beef LLC is requesting a fifty (50) percent tax abatement through Wayne County's Rural Enterprise Zone Program (EZ 115C) on the improved value of its property for a period of 10 years, in return for making a real property investment of \$750,000 to \$1,250,000 associated with constructing a stand-alone 18,000 square foot print-shop and warehouse building. The project will create six (6) full-time jobs with a \$300,000 payroll. This will be accomplished by relocating 6 existing jobs at the campus's existing warehouse facility (located in the City of Wooster's EZ 389) to the proposed building site. The company will then convert its existing warehouse into offices and create at least six new jobs, increasing the company's total campus workforce from 123 full-time equivalents (118 full-time and 9 part-time jobs) to 129 full-time equivalents.	
<b>Justification / Benefits</b> As a primary-industry employer, the jobs created will produce a significant economic impact for the Wooster Community. The applicant has utilized the Enterprise Zone twice before, most recently in 2014, and as of 2019 had exceeded its job creation commitments by nearly 300%.	
<b>Will this Project affect the City's Operating Costs</b> The project would be beneficial to the City's operating costs in securing future revenue growth.	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b> The tax exemption may be denied and the project may not move forward, or be significantly reduced in scope if it does, minimizing opportunity for future revenue growth.	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances: N/A	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons An expedited decision is requested to allow the company to move forward with planning.	
NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.	
Manager Requesting: Jonathan Millea	Date: 9 April 2020

Approved for Agenda  Yes  No

## ENTERPRISE ZONE REQUEST SUMMARY: Certified Angus Beef LLC



Prepared by the City of Wooster Department of Community Service and Development at the Request of:  
**Certified Angus Beef LLC** – 200-Block Riffel Road (Parcel 73-00011.001), Wooster, Ohio 44691  
 Application Completion Date: 2 April, 2020.

**Project Summary:** Certified Angus Beef is proposing the construction of an 18,000 square foot print-shop and warehouse facility. Certified Angus Beef is a not-for-profit company that supports cattle ranchers, chefs, and retailers through marketing its Certified Angus Beef Program, which provides branding worldwide for meats meeting strict quality control standards. Its partner company, the American Angus Association, is based in St. Joseph Missouri. The project will enable the growing company to expand its capacity and operations in Wooster. The project would be the fourth facility constructed on Certified Angus Beef's campus, and would allow the relocation and expansion of its current print-shop and warehouse, which are today constrained in a 5,000-square foot building. Six warehouse and print employees would be relocated to the new facility, and replaced there with new jobs. Certified Angus Beef intends to construct the new facility in the form of a red barn to incorporate a rural touch to for the campus.

The project site is within Wayne County's 115C Enterprise Zone, with incentives generally limited to 50% for 10 years for primary-sector or exporting industries businesses constructing new facilities and creating at least one job. An employee relocation waiver is not required as the jobs being relocated from the City's 398B Enterprise Zone are committed to be replaced. The project requires approval from the City of Wooster and the Wayne County Commissioners to advance. Annual reporting would be under the purview of Wayne County, with the City of Wooster responsible for annual reviews.

**Project Impacts:** Certified Angus Beef LLC proposes to invest \$750,000 to \$1,250,000 to construct the 18,000-square foot warehouse and print facility to support its expanding operations in Wooster that would effectively create a minimum of 6 new jobs at the site and on the company's campus, generating a minimum \$300,000 in new payroll, generating \$4,500 in income tax revenues annually. (123 full-time equivalent existing campus jobs and \$8,045,540 in payroll would be retained). The project would move 3.5 acres of farmland out of CAUV tax rates, where it \$178 annually. With a 50% CRA tax exemption, post-construction real estate tax revenues are anticipated to grow to \$22,811 to \$36,661 per annum. Post-exemption, revenues would grow to \$10,388 to \$17,313, representing an annual savings of \$10,388 to \$17,313 for the applicant, or \$103,876 to \$173,127 over the exemption's 10-year life. The applicant commits to continuing its operations at the site for 20 years, two years per every one year of abatement. The City of Wooster and Wayne County previously partnered with Certified Angus Beef LLC through the Enterprise Zone program with expansions to their campus, with projects to-date exceeding their goals, most recently in 2014. *Please see attached application.*

**Project Site Map: New 18,000sf Facility**  
 Riffel Rd. (73-00011.001), Wooster, Ohio 44691.



Top: Parcel 73-00011.001 outlined in yellow with super-imposed footprint. Not to scale. Map: Wayne GIS.

**TABLE: Project Implication Matrix – ESTIMATION ONLY**

Certified Angus Beef – 200 Block of Riffel Road – *\*Estimated\** Investment Projected Tax Impacts. (Reference Notes.)

Current Value <sup>1</sup> PNN 73-00011.001	Annual Tax Obligation <sup>1</sup>	Post Proj. Tax Value <sup>2</sup> \$750K to \$1.25M Invested	Annual Tax Oblig. w/o Abatement <sup>2</sup>	Annual Tax Obligation with 50% Abatement	Applicant's Annual Savings <sup>3</sup>	Total Savings after 10 Years
\$73,500	\$178	Min> \$823,500	\$22,811	\$12,424	\$10,388	\$103,876
		Max> \$1,323,500	\$36,661	\$19,349	\$17,313	\$173,127
Certified Angus Beef	Annual City Income Tax Retention <sup>4</sup>		\$120,683	Net Property Tax Gain with Abatement		\$12,245 to \$19,170
	Annual City Income Tax Creation		\$4,500	Cumulative Net Property Tax Gain		\$122,452 to \$191,703
	EZ Period Cumulative Income Tax <sup>5</sup>		\$1,245,081	Post-EZ Annual Property Tax (Apprx.) <sup>6</sup>		\$22,633 to \$36,483

- Current Value of \$73,500 based on the Wayne County Auditor's 100 percent 2019 valuation of taxes assessed for PPN 73-00011.001 with Annual Tax Obligation based on actual reported 2019 taxes payable for 2020. Wayne County Auditor, Wayne County, Ohio. (3/18/2020). Property Records CAMA Database [Data file]. Retrieved from <http://www.waynecountyauditor.org/>
- Annual Tax Obligation without Abatement" assumes no EZ abatement after construction, inclusive of original value. The new construction cost assumes a Minimum \$750,000 investment and maximum \$1,250,000 investment, with a 2019 millage rate of 79.143634 for Wayne County tax district 73.
- Estimated tax increase protection available, assuming investment equals a valuation increase. Because the actual valuation will generally be lower than construction costs (the inverse is also possible), this figure may change accordingly. Note: A \$1,000,000 valuation increase commands \$26,065 annually.
- Annual City Income Tax assumes 1.5 percent income tax on an annual retained payroll of \$8,045,540 and a created payroll of \$300,000.
- Cumulative calculation assumes no new employment created in the first year, 3 jobs in year two, and 6 jobs in year three.
- Expected amount of gain at expiration of exemption period. Employer commits to continuing operations at site for an additional 10 years.

*Note: Notification to local school districts and a recommendation by the Wooster Growth Corporation are required before an application for an Enterprise Zone abatement may be considered by the Wooster City Council. Enterprise Zone 389 is governed by Ohio Revised Code Sections 5709.61 through 5709.69, as administered by the Ohio Development Services Agency, and City of Wooster Ordinances No. 2004-59 and No. 2007-04. For questions on this application or the City of Wooster's Enterprise Zone Program in general, please contact the City of Wooster Development Coordinator at 330.263.5250.*

## ENTERPRISE ZONE REQUEST *Additional Notes:* Certified Angus Beef LLC

**Image 1:** Existing warehouse facility to be converted into office. Six production jobs will be relocated from this building (In Wooster EZ 389) and transferred to the new facility (Wayne County EZ 115C). Certified Angus Beef will then replace jobs with additional office staff.



**Image 2:** Site of the new warehouse/print-shop facility, to be constructed with architectural highlights emulating a red barn. The site will also contain a large parking area (estimated 100 spaces) for campus workers and visitors.



**Image 3:** Campus overview. The new construction project takes place within the Wayne County Rural Enterprise Zone, which commences at the City's 2004 corporation limits. While City of Wooster must also grant approvals and annual oversight, the Wayne County Commissioners are responsible for final approvals and annual Tax Incentive Review reporting. A waiver from the State of Ohio is not required for the six jobs being transferred as they will be replaced.





**CITY OF WOOSTER ENTERPRISE ZONE PROGRAM  
IN PARTNERSHIP WITH OHIO DEPARTMENT OF DEVELOPMENT  
APPLICATION**

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**PROPOSED AGREEMENT for Enterprise Zone Tax Incentives between the City of Wooster, located in the County of Wayne and Certified Angus Beef, LLC.**

**1a. Name of business, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).**

Certified Angus Beef, LLC  
Enterprise Name

Mr. Brent Eichar  
Contact Person

206 Riffel Rd., Wooster, Ohio 44691  
Address

330-345-2333  
Telephone number

beichar@certifiedangusbeef.com

*\*Contact Email (Note: All EZ program correspondence is through email)*

**1b. Project site:**

Mr. Brent Eichar  
Contact Person

(PPN 73-00011.001) Riffel Rd., Wooster, Ohio 44691  
Address

330-345-2333  
Telephone number

beichar@certifiedangusbeef.com

*\*Contact Email (Note: All EZ program correspondence is through email)*

**2a. Nature of business (manufacturing, distribution, wholesale or other).**

Marketing and education services relating to growing the demand for Angus cattle through the Certified Angus Beef brand of beef.

**2b. List primary 6-digit NAICS #: 541613 Marketing consulting services**

*Business may list other relevant SIC numbers.*

- 2c. If a consolidation, what are the components of the consolidation?**  
*(must itemize the location, assets, and employment positions to be transferred)*

No long term impact. Some employees engaged in printing, materials assembly, and warehousing will be shifted from 206 Riffel Road location to the proposed warehouse / materials preparation building across the road in Enterprise Zone 115C. The positions lost from Enterprise Zone 389 will be replaced with other Certified Angus Beef hires within 36 months. Project will add 100 parking spots to accommodate this future growth.

- 2d. Form of business of enterprise (corporation, partnership, proprietorship, etc).**

Limited Liability Corporation

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- 3. Name of principal owner(s) or officers of the business (attach list if necessary).**

John Stika, PhD – President / Brent Eichar – Sr. Executive Vice President and Sec. Treasurer

- 4. Is business seasonal in nature?** Yes  No

- 5a. State the enterprise's current employment level at the proposed project site:**  
*(Itemized for full and part-time and permanent and temporary employees)*

(Proposed Building Site only) Full-Time: 0; Part-Time: 0; Permanent: 0; Temporary: 0.

- 5b. Will the project involve the relocation of employment positions or assets from one Ohio location to another?** Note that relocation projects are restricted in non-distress based Ohio Enterprise Zones. A waiver from the Director of the Ohio Department of Development is available for special limited circumstances. The business and local jurisdiction should contact ODOD early in the discussions. Yes  No

- 5c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:**

The project will create a new dedicated warehouse facility for Certified Angus Beef across the street from its current location, still within the City of Wooster, but outside of Enterprise Zone 389 and instead inside Enterprise Zone (115C). Approximately 6 staff will be relocated to the new warehouse facility to manage printing, assembly, and warehousing operations. Each position relocated will be replaced with a new hire acting in a different capacity at 206 Riffel Road (Enterprise Zone 389). Both Enterprise Zones, for the project site, are contained within the same City and school district.

- 5d. State the enterprise's current employment level in Ohio:**  
*(Itemized for full and part-time and permanent and temporary employees):*

Full-Time: 118 (Certified Angus Beef, LLC.); Part-Time: 9; Permanent: 0; Temporary: 0.

**5e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:**

Certified Angus Beef LLC employs 124 people at its 206 Riffel Road location. The company proposed to construct a new warehouse facility north of its current facility across Riffel Road, which will house its printing, assembly, storage, and material shipping operations. Approximately 6 current employees will be moved from the current 5,500 square foot warehousing facility to the new site. The current warehouse will be converted to future office space (and is not eligible for abatement) and will house future employees (committed 6 within 36 months).

**5f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?**

Not Applicable

**6a. Has the Enterprise previously entered into an Enterprise Zone Agreement with the local legislative authorities at any site where the employment or assets will be relocated as a result of this proposal? Yes X No**

**6b. If yes, list the local legislative authorities, date, and term of the incentives for each Enterprise Zone Agreement:**

City of Wooster and Wayne County Commissioners / May 13, 1994 / 75% 10 Years.  
City of Wooster / May 13, 2014 / 75% 10 Years, with additional 10 years of existence at site.

**7. Does the Enterprise owe:**

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes     No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State?

Yes     No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

Yes     No X

**d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets if necessary).**

Not Applicable.

**8. Project Description (attach additional pages if necessary):**

Certified Angus Beef, LLC. proposes to construct a new 18,000-square foot warehousing and commercial printing facility along Riffel Road, retaining 6 jobs within the City of Wooster. Certified Angus Beef, LLC's requires additional space for printing, assembly, storage, and shipping of its various marketing materials. The current 5,500 square foot space is now too small, and would be better served as office space for other functions that are expanding on the campus. The new warehouse facility will take the style of a red barn to highlight the region's agricultural base, as opposed to a traditional office building. The project site will be surrounded by an approximate 100-space parking lot and landscaping.

**9. Project will begin May 8, 2020 and be completed by December 31, 2021 provided a tax exemption is provided.**

**10a. Estimate the number of new employees the business intends to hire at the facility that is the project site: (Itemized for full and part-time and permanent and temporary employees):**

Full-Time: 0; Part-Time: 0; Permanent: 0; Temporary: 0.

**10b. State the time frame of this projected hiring: 0 years**

**10c. State proposed schedule for hiring: (Itemize by full and part-time and permanent and temporary employees)**

Retention only: Full-Time: 6 at new location. Company will retain 124 staff at its 206 Riffel Road location and hire an additional 6 positions off-site within 36 months.

**11a. Estimate the amount of annual payroll such new employees will add: \$300,000.00 (at 206 Riffel Road facility, off-site.) (New annual payroll must be itemized by full and part-time and permanent and temporary new employees.)**

Full-Time: \$300,000; Part-Time: \$0 ; Permanent: \$0 ; Temporary: \$0

**11b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project:**

\$300,000 on-site. (\$8,045,540 for full campus).

**12. Market value of the existing facility as determined for local property taxation.**

\$875,000 (based on 7/19/2019 sales price)

**13a. Business's total current investment in the facility as of the proposal's submission.**

\$ 875,000 (acquisition)

**13b. State the businesses' value of on-site inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year (stated in average \$ value per most recent 12 month period) in which the agreement is entered into (baseline inventory):**

\$ 0.00

**14. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:**

	<b>Minimum</b>	<b>Maximum</b>
A. Acquisition of Buildings/Land:	\$ <u>875,000</u>	\$ <u>875,000</u>
B. Additions/New Construction:	\$ <u>750,000</u>	\$ <u>1,250,000</u>
C. Improvements to existing buildings:	\$ <u>0</u>	\$ <u>0</u>
D. Machinery & Equipment:	\$ <u>0</u>	\$ <u>0</u>
E. Furniture, Fixtures, Etc.	\$ <u>0</u>	\$ <u>0</u>
F. Inventory:	\$ <u>0</u>	\$ <u>0</u>
<b>Total New Project Investment:</b>	<b>\$ <u>1,625,000</u></b>	<b>\$ <u>2,125,000</u></b>

**15a. Business requests the following tax exemption incentives: 50 % for 10 years covering real and/or personal property including inventory as described above (be specific regarding type of assets, rate, and term).**

**b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)**

Tax abatement would allow Certified Angus Beef, LLC a financial savings to reinvest in its staff as it continues to expand its market reach across the United States and globally. The specific project would allow the nonprofit company to expand its marketing material production, event planning, and storage capabilities in-house within Wooster. Jobs relocated from the warehouse facility on the south side of the road would be replaced over time with future hires. By relocating staff from the current warehouse and print facilities currently on the south side of the street, Certified Angus Beef will be able to create an additional 6,500 square feet of office space to accommodate new staff members. The new facility will also add an additional 100 parking spaces to further improve our ability to create jobs on both sides of the street. The assistance would also show a commitment by the community to the parent organization, the American Angus Association, based in St. Joseph, Missouri as the firm continues to invest in the Wooster and Wayne County area.

*Submission of this application expressly authorizes the City of Wooster and/or Wayne County to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item #7 and to review applicable confidential records. As part of this application, the business may also be required to directly request from the Ohio Department of Taxation or complete a waiver form allowing the Ohio Department of Taxation to release specific tax records to the local jurisdictions considering the incentive request.*

*Applicant agrees to supply additional information upon request.*

*The applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefit as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.*

Certified Angus Beef, LLC.  
Enterprise Name

*Brent W. Eichar*  
Signature

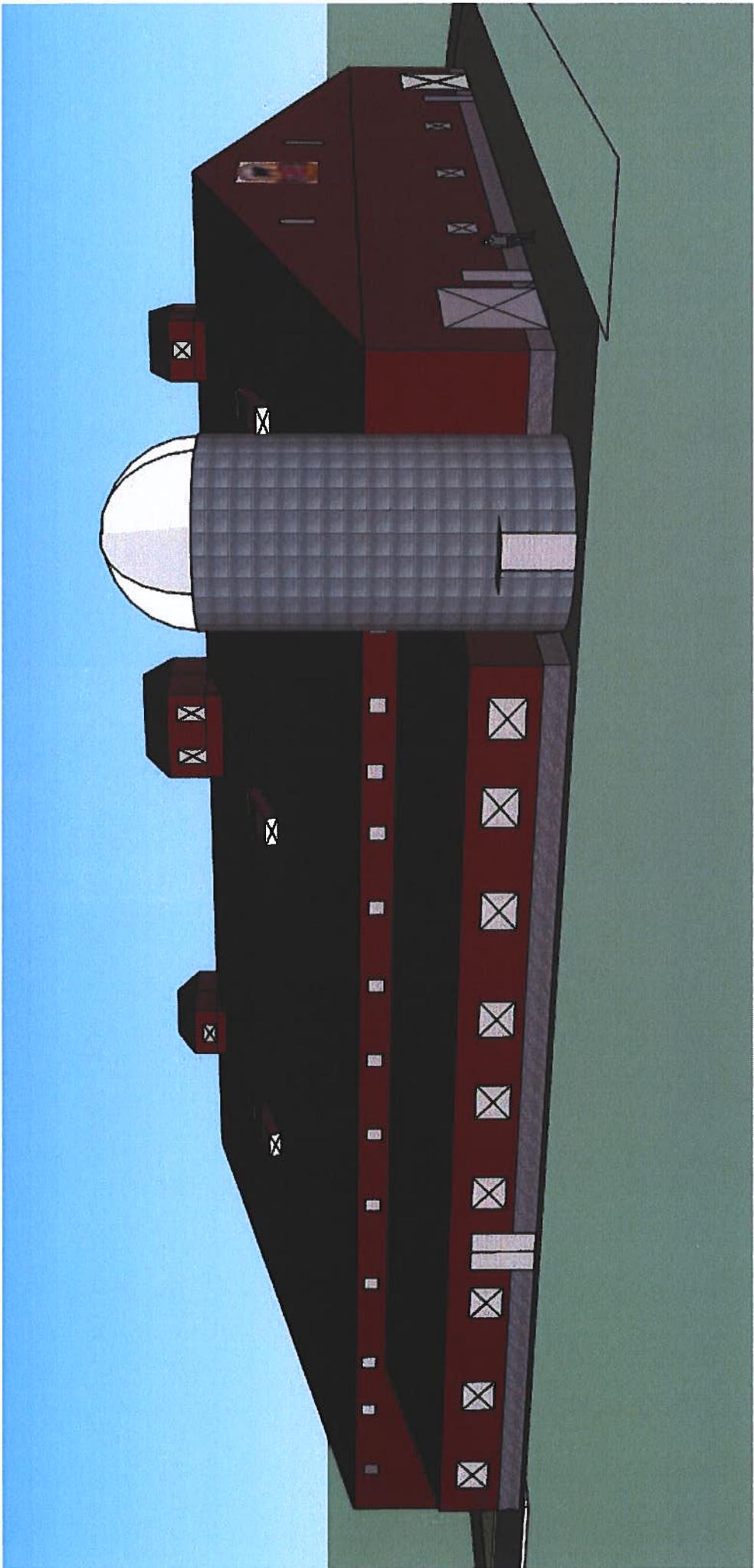
2-25-2020.  
Date

BRENT EICHAR SR. E.V.P.  
Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Enterprise Zone Agreement as Exhibit A.

Please note that copies of this proposal must be included in the finalized Enterprise Zone Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.



## RESOLUTION 2020-24

### A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT TO PARTICIPATE IN THE ODOT COOPERATIVE PURCHASING PROGRAM, AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Wooster (referred to as the “Political Subdivision”) submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid in accordance with Ohio Revised Code 5513.01(B) and agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision requests through this participation agreement a total of 2,000 tons of Sodium Chloride (Road Salt) in 2021, in order to maintain sufficient reserves depleted throughout the winter season, of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement, it will do so by written, emailed request by no later than Friday, April 24, 2020, by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.



Res. 2020-24

Request for Agenda Item

Authorization for Bid

Purchase Capital Item

Non-Capital

Division <b>PPM</b>	Meeting Date Requested <b>4/14/2020</b>
Project Name <b>ODOT Winter Salt Contract</b>	Estimated Total Funds/Costs <b>\$150,000.00</b>
Is Full Amount Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, three readings NOT REQUIRED	
If No, How is the Purchase to be Funded? This purchase will in to budgeted in FY2021	
<b>Description of Request</b> The PPM Division anticipates the need to purchase approximately 2000 ton of salt in 2021 to maintain sufficient reserves depleted throughout the winter season. The funding for the salt to be purchased in 2021 is not funded, but will be requested in the 2021 Budget.  The reason this request is coming to Council in such short notice is because the City just recently was notified by ODOT that the City could join them in the Winter Fill Salt Contract (018-21).	
<b>Justification / Benefits</b> In an unstable salt market it is difficult to predict and budget from year to year what the price of salt will be. So, partnering with the Ohio Department of Transportation (ODOT) will allow the City to purchase a total of 2000 ton of salt and minimize the risk of paying higher prices. The bidding process that ODOT uses keeps the salt vendors prices very competitive.	
<b>Will this Project affect the City's Operating Costs</b> Yes, in FY2021	
<b>What Alternatives Exist and what are the Implications of the Alternatives</b>  Purchase in the open market – Risk of paying more for salt	
Is this a Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances:	
Is there a need for Suspension of the Rules or a Time Frame when this must be passed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons Council will need to suspend the rules and pass this resolution in its final reading because of time constraints. The ODOT contract agreement for the Winter Fill Contract needs to be submitted by April 24, 2020. The resolution can be submitted after the next City of Wooster Council Meeting.	
<b>NOTE: Emergency Clause Required if Legislative Effective Date is IMMEDIATE.</b>	

ORDINANCE NO. 2020-11

AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A MULTIPLE PARCEL SITE KNOWN AS PARCELS 53-00145.000, 53-00145.002, 53-01626.001 AND 53-01626.000 WHICH ARE CONTIGUOUS TO THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY. (Robert Reynolds, Esq., Agent for Petitioners The Wooster City School District and The City of Wooster)

WHEREAS, Robert Reynolds, Esq., agent for Petitioners, has, pursuant to Revised Code Section 709.023, filed a petition with the Wayne County Commissioners seeking annexation of 25.345 acres of land owned by petitioners in Wayne Township, adjacent to the City of Wooster (a map of said area is attached hereto); and

WHEREAS, Revised Code Section 709.023 provides that upon the clerk of the municipal legislative authority receiving notice of a proposed annexation, the municipal legislative authority shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will be able to provide upon annexation of the territory proposed for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1: That upon annexation to the City of Wooster, the land contained in the petition for annexation would receive the following services from the City of Wooster:

- A. Police protection from the full-time police department of the City of Wooster; and fire protection and emergency squad services from the full-time fire department of the City of Wooster. The projected response time for first arriving fire and emergency units is 4 minutes. Full force travel time would be 10 minutes from stations #1 and #3. These services would be immediately available, and the addition of this area as an R-1 residential district would have little impact to Fire and Police divisions. Higher density commercial or residential development would not affect response times, but could increase call volumes, and require additional safety forces staffing in the future.
- B. A sixteen-inch water line is located along Oak Hill Road, immediately adjacent to the territory proposed for annexation and immediately accessible for extension thereto. The water plant and water resources of the City of Wooster have sufficient capacity to serve this property. This service would be immediately available upon the Petitioners paying the necessary fees and obtaining the necessary permits.
- C. An eight-inch sanitary sewer is located on Monterey Street, approximately 300 feet south of the territory proposed for annexation and immediately accessible for extension thereto. The water pollution control plant has sufficient capacity to serve



**PETITION FOR ANNEXATION**

WAYNE COUNTY RECORDERS  
2020 APR 8 11:17 AM

We, the undersigned, being a majority of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Wooster, Wayne County, Ohio, in the manner provided for by Sections 709.02 to 709.11 of the Revised Code of Ohio.

Petitioners have attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

The described territory is contiguous with the City of Wooster, Ohio.

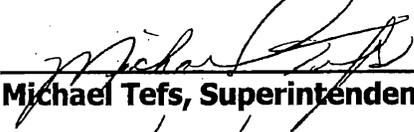
Petitioners have attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked Exhibit "B".

Robert J. Reynolds is hereby appointed agent for the undersigned Petitioners as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution, compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.



**Robert J. Reynolds, Agent**  
441 W. Liberty Street  
Wooster, OH 44691  
(330) 264-1150  
breynolds@reynoldslaw.org

**WOOSTER CITY SCHOOL DISTRICT**

By:   
**Michael Tefs, Superintendent**

Date: 3/23/2020

**CITY OF WOOSTER**

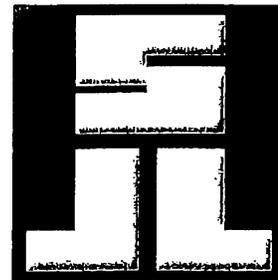
By:   
**Robert F. Breneman, Mayor**

Date: 3-5-2020

EXHIBIT

A

**SHAFFER, JOHNSTON, LICHTENWALTER  
& ASSOCIATES, INC.  
ENGINEERS & SURVEYORS**



Boundary description of 25.345 acres for annexation to Wooster City EW 2149C

Situated in the Township of Wayne, T-16N; R-13W, Northwest and Southwest Quarters of Section 28, County of Wayne, and State of Ohio:

Known as being lands conveyed to The Wooster City School District in O.R. 845; Page 1675 and O.R. 891; Page 1276 of Wayne County Official Records, lands conveyed to County of Wayne in Volume 696; Page 571, Volume 709; Page 372 and Volume 709; Page 383 of Wayne County Deed Records and lands conveyed to City of Wooster in Volume 695; Page 751 of said deed records and further bounded and described as follows:

Beginning at the southwest corner of the Northwest Quarter of Section 28, also being in Oak Hill Road:

THENCE WITH THE FOLLOWING SEVEN (7) COURSES:

1. N 00° 23' 48" W, 365.00 feet along the section line and in Oak Hill Road to a point on the Wooster City corporation line;
2. S 89° 52' 24" E, 575.00 feet along said corporation line to a point;
3. S 00° 23' 49" E, 365.00 feet along said corporation line to a point in Oldman Road;
4. S 89° 52' 24" E, 494.53 feet along said corporation line and in Oldman Road to a point;
5. S 00° 22' 01" E, 838.12 feet along said corporation line to a point;

Continued on Page 2

3477 Commerce Parkway, Suite C □ Wooster, Ohio 44691  
Ph. (330) 345-6377 □ Fax (330) 345-6725 □ Email: [sjl@sjl-inc.com](mailto:sjl@sjl-inc.com)

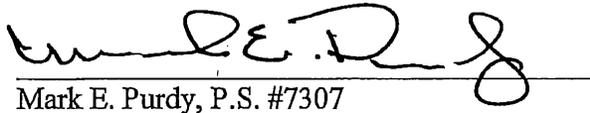
Page 2 (Description of 25.345 ac.)

6. N 89° 40' 59" W, 1068.83 feet along said corporation line, the north line of lands conveyed to Kyle W. Oswald in O.R. 836; Page 781 of Wayne County Official Records, and the north line of lands conveyed to County of Wayne in Volume 709; Page 391 of Wayne County Deed Records to a point at the northwest corner of said Wayne County lands and in Oak Hill Road;
7. N 00° 25' 01" W, 834.58 feet in Oak Hill Road to the place of beginning and containing within said bounds 25.345 acres of land, more or less, and subject to all legal highways and easements of record.

This description was prepared from a survey made by Mark E. Purdy, P.S. #7307 of Shaffer, Johnston, Lichtenwalter & Associates, Inc. in July of 2019.

Basis of bearing: The bearings as shown hereon are relative to GRID NORTH of the OHIO STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM.

See Wayne County Survey Records Volume \_\_\_\_; Page \_\_\_\_ for survey.

  
Mark E. Purdy, P.S. #7307



EXHIBIT

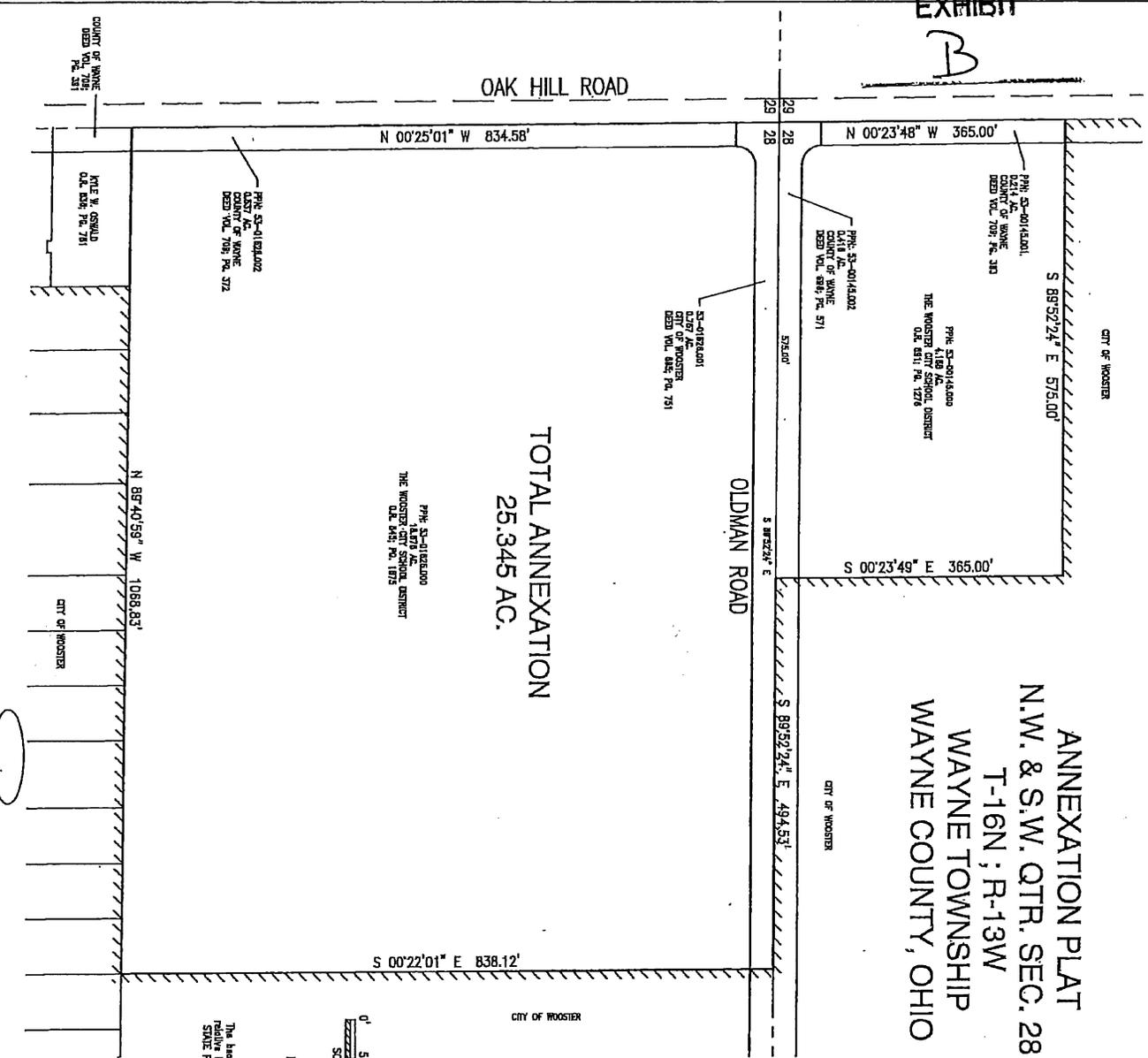
B

OAK HILL ROAD

OLDMAN ROAD

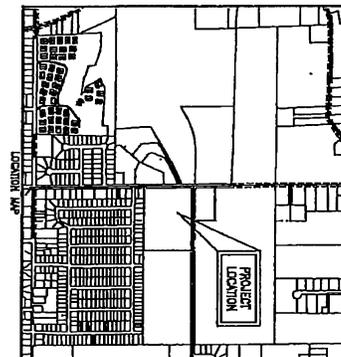
TOTAL ANNEXATION  
25.345 AC.

ANNEXATION PLAT  
N.W. & S.W. QTR. SEC. 28  
T-16N ; R-13W  
WAYNE TOWNSHIP  
WAYNE COUNTY, OHIO



REFERENCE SURVEY:  
N.W. 250  
S-227

DATE: 8-13-19



NOTE: SIGN ONLY IN BLACK INK. PRINT NAME BELOW ALL SIGNATURES.  
Certified by Wayne County Commissioners:  
this \_\_\_ day of \_\_\_\_\_ 20\_\_.

Resolution No. \_\_\_\_\_

BECKY FOSTER  
this \_\_\_ day of \_\_\_\_\_ 20\_\_

RON MAJSTUZ  
this \_\_\_ day of \_\_\_\_\_ 20\_\_

Ordinance No. \_\_\_\_\_  
Approved for Recording:  
this \_\_\_ day of \_\_\_\_\_ 20\_\_

Transferred:  
this \_\_\_ day of \_\_\_\_\_ 20\_\_

Wayne County Auditor's Office

AUDITOR	DATE
RECORDER	INSTRUMENT #
TOTAL	PLAT VOL
	PAGE
	FEE \$

Distance shown hereon are expressed in feet and decimal parts thereon, bearings are used to express angles only, iron pins or monuments were found or set as indicated hereon. All of which I believe to be correct to the best of my knowledge.

By: Mark E. Purdy 8-13-19  
Date

SHAFFER, JOHNSON LICHTENWALTER & ASSOCIATES, INC.  
Consulting Engineers & Surveyors  
3747 Commerce Center Blvd., Suite 200  
Cincinnati, OH 45241  
Tel: (513) 345-6077 FAX: (513) 345-6172 EMAIL: info@shaffer.com

DWG NO: EW-2149C JOB NO: EW-2149C SHEET 1 OF 1  
DATE: 08/05/19

**SCHEDULE OF ADJOINING PARCELS  
O.R.C. Section 709.02(D)**

<b>Name of Property Owner</b>	<b>Mailing Address</b>	<b>Permanent Parcel No.</b>
Board of Education Wooster City	144 N. Market Street, Wooster, OH 44691	67-02873.603 67-02515.000
Kyle W. Oswald	2583 Oak Hill Rd, Wooster, OH 44691	53-01148.000
Suzanne Rumbaugh TOD etal	231 Kinney Drive, Wooster, OH 44691	53-01060.000
Suzanne Rumbaugh TOD etal	1500 S. Honeytown Road, Wooster, OH 44691	67-00781.000
T. Snyder Properties LLC	2058 Autumn Run, Wooster, OH 44691	67-00767.000
Craig A. Herzog Successor Trustee	727 Skylark Drive, Wooster, OH 44691	67-01711.000
Midnight Holdings LLC	4255 Huntington Woods, Wooster, OH 44691	67-00891.000
Terrance J. & Christine D. Carrabine	711 Skylark Drive, Wooster, OH 44691	67-00831.000
Matthew W. Giordano	801 Skylark Drive, Wooster, OH 44691	67-01717.000
Donna L. Gerber	6220 Secrest Road, Wooster, OH 44691	67-01207.000
Super Veal, Inc.	964 Greensview Dr., Wooster, OH 44691	67-01793.000
Donald S. & Cheryl A. Ackerman	657 Skylark Drive, Wooster, OH 44691	67-00431.000
Karen Archer	649 Skylark Drive, Wooster, OH 44691	67-00591.000
Dianna L. & William R. Kauf	637 Skylark Drive, Wooster, OH 44691	67-01360.000
Gregory D. Wilcox	3419 Tamarack Lane, Wooster, OH 44691	67-01355.000
Neil R. & Dawn M. Topovski	2586 Oak Hill Road, Wooster, OH 44691	53-00881.003
Joel A. & Marlane L. Kennedy	2650 Oak Hill Road, Wooster, OH 44691	53-00881.006
John E. & Carolyn F. Amiet	2660 Oak Hill Road, Wooster, OH 44691	53-00881.005
Kenneth E. Shafer & Christine Kovach Co-Trustees	2670 Oak Hill Road, Wooster, OH 44691	53-00881.000
The City of Wooster	538 N. Market St., P.O. Box 1128, Wooster, OH 44691	67-02942.000
Wooster Church of the Nazarene	3100 Oak Hill Road, Wooster, OH 44691	67-02942.001

**Submitted By:**



**Robert A. Reynolds, Agent**

**SCHEDULE OF PARCELS FOR ANNEXATION  
O.R.C. Section 709.02(D)**

<b>Name of Property Owner</b>	<b>Mailing Address</b>	<b>Permanent Parcel No.</b>
The Wooster City School District	144 N. Market Street, Wooster, OH 44691	53-01626.000 53-00145.000
City of Wooster	P.O. Box 1128, Wooster, OH 44691	53-00145.002 53-01626.001

**Submitted By:**



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**Robert J. Reynolds, Agent for The  
Wooster City School District and City of  
Wooster**

ORDINANCE NO. 2020-12

AN ORDINANCE STATING TO THE WAYNE COUNTY COMMISSIONERS, PURSUANT TO REVISED CODE SECTION 709.023, THE SERVICES WHICH THE CITY OF WOOSTER WOULD BE ABLE TO PROVIDE FOR A SINGLE PARCEL SITE KNOWN AS 2150 OAK HILL ROAD, WOOSTER, OHIO (PARCEL 53-00300.000) WHICH IS CONTIGUOUS TO THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY. (Robert Reynolds, Esq., Agent for Petitioners Terry and Beverly Raber)

WHEREAS, Robert Reynolds, Esq., agent for Petitioners, has, pursuant to Revised Code Section 709.023, filed a petition with the Wayne County Commissioners seeking annexation of .5051 acres of land owned by petitioners in Wayne Township, adjacent to the City of Wooster (a map of said area is attached hereto); and

WHEREAS, Revised Code Section 709.023 provides that upon the clerk of the municipal legislative authority receiving notice of a proposed annexation, the municipal legislative authority shall, by ordinance or resolution, adopt a statement indicating what services, if any, the municipal corporation will be able to provide upon annexation of the territory proposed for annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1: That upon annexation to the City of Wooster, the land contained in the petition for annexation would receive the following services from the City of Wooster:

- A. Police protection from the full-time police department of the City of Wooster; and fire protection and emergency squad services from the full-time fire department of the City of Wooster. The projected response time for first arriving fire and emergency units is 4 minutes. Full force travel time would be 10 minutes from stations #1 and #3. These services would be immediately available, and the addition of this area as an R-1 residential district would have little impact to Fire and Police divisions. Higher density commercial or residential development would not affect response times, but could increase call volumes, and require additional safety forces staffing in the future.
- B. A twelve-inch water line is located on Oak Hill Road, immediately adjacent to the territory proposed for annexation and immediately accessible for extension thereto. The water plant and water resources of the City of Wooster have sufficient capacity to serve this property. This service would be immediately available upon the Petitioners paying the necessary fees and obtaining the necessary permits.
- C. An eight-inch sanitary sewer line on Oak Hill Road, immediately adjacent to the territory proposed for annexation and immediately accessible for extension thereto. The water pollution control plant has sufficient capacity to serve this property. This service would be immediately available upon the Petitioners paying the necessary



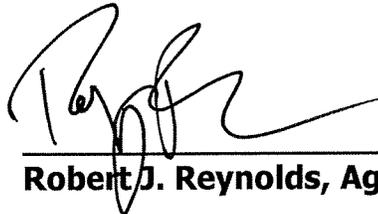
## NOTICE OF PETITION FOR ANNEXATION

To: Tammy E. Polen, Clerk  
Wayne Township  
2463 Oak Hill Rd.  
Wooster, OH 44691

Lynne DePaulo, Clerk  
Wooster City Council  
538 N. Market St.  
Wooster, OH 44691

All Owners of Property Adjacent and Directly Across the Street from the Territory  
Proposed to be Annexed

Please take notice that on April 8, 2020 at 11:01 A.M., a Petition for Annexation was filed with the Wayne County Commissioners. A copy of that Petition is attached, together with a copy of all other documents that accompanied the petition.



---

**Robert J. Reynolds, Agent for Petitioners**

**PETITION FOR ANNEXATION**  
**BY: TERRY L. RABER AND BEVERLY L. RABER**

(R.C. 709.021; 709.023; 709.192; 709.02)

TOWN OF WOOSTER  
SEENISSONCO TO EMAN

TO: Board of County Commissioners of Wayne County, Ohio

Petitioners, Terry L. Raber and Beverly L. Raber (hereinafter collectively referred to as "Petitioners"), pursuant to Ohio Revised Code Section 709.021 and related provisions, being the owners of certain real estate in the unincorporated territory of Wayne Township which they propose to be annexed to the City of Wooster, Ohio, hereby submit an application for annexation by petition of said real estate, pursuant to Ohio Revised Code Section 709.023 (commonly referred to as an "Expedited Type-2 Annexation") being known as Permanent Parcel Number 53-00300.000 in Wayne County, Ohio.

The territory that is proposed for annexation is contiguous to the City of Wooster, Wayne County, Ohio. An accurate legal description of the territory proposed for annexation is attached hereto as Exhibit "A" and incorporated herein by reference. An accurate map or plat of the territory proposed for annexation is attached hereto as Exhibit "B" and incorporated herein by reference. There are no other properties or parcels owned by any other persons included in this petition.

Robert J. Reynolds is appointed to act as agent for Petitioners with full authority to take any action necessary for obtaining the granting of this petition.

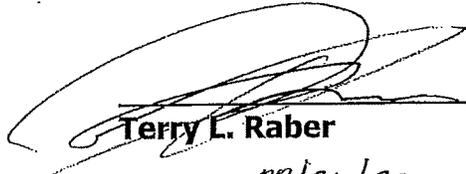
Simultaneously with the filing of this petition, Robert J. Reynolds is filing with the Clerk of the Board:

1. A list of all tracts, lots, or parcels in the territory proposed for annexation; and
2. A list of all tracts, lots, or parcels adjacent to that territory or directly across the road from it when the road is adjacent to it.

The lists include the name and mailing address of the owner of each tract, lot, or parcel, and the permanent parcel number from the Wayne County Auditor's permanent parcel numbering system for each tract, lot, or parcel.

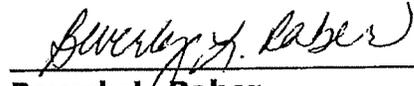
A certified copy of the Annexation Agreement by and between Petitioners and the City of Wooster, Ohio is attached hereto as Exhibit "C" and incorporated herein by reference.

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

  
\_\_\_\_\_

Terry L. Raber

Date: 03/24/20

  
\_\_\_\_\_

Beverly L. Raber

Date: 03/26/20

**Exhibit "A"**

Situated in the City of Wooster, Township of Wayne, Section 32, Northeast Quarter, T-16, R-13, County of Wayne and State of Ohio:

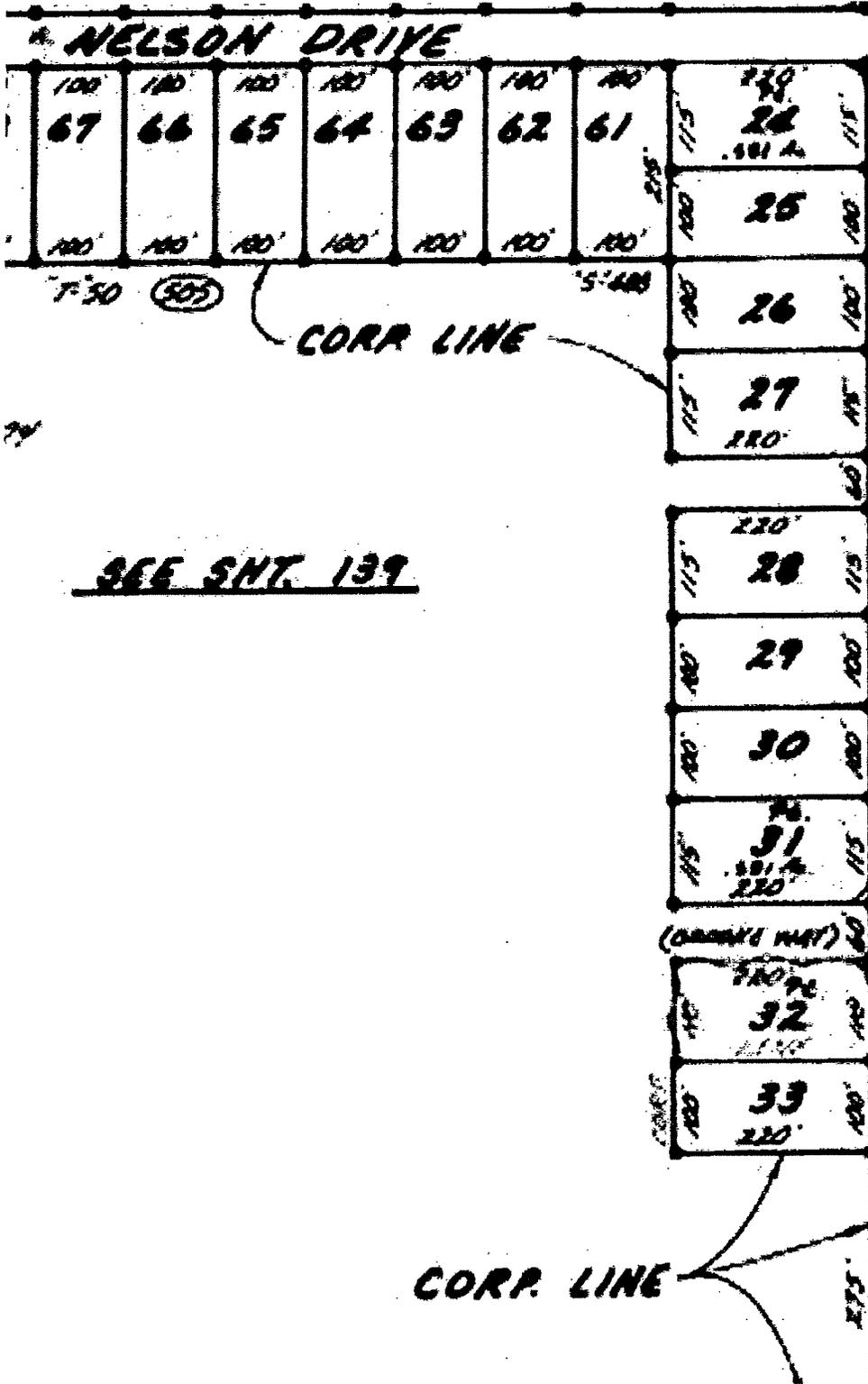
And known as being Lot Number 29 in the Nelsen Allotment #1 as shown by the plat recorded in Volume 5, Page 19, Wayne County, Ohio Plat Records.

Permanent Parcel No. 53-00300.000

Prior Deed Reference: Volume 867, Page 1533, Wayne County, Ohio Official Records

EXHIBIT

B



SEE SHT. 139



ORDINANCE NO. 2020-09

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PREANNEXATION AGREEMENT WITH CERTAIN PROPERTY OWNERS FOR THE PURPOSE OF FACILITATING THE ANNEXATION AND EXTENSION OF UTILITY SERVICES TO THOSE PROPERTIES, AND DECLARING AN EMERGENCY

WHEREAS, The property owner at 2150 Oak Hill Road owns a certain parcel of property on Oak Hill Road, contiguous to the City of Wooster, and he desires to annex and obtain utility services from the City of Wooster; and

WHEREAS, the City of Wooster desires to provide utility services to said owners, in return for which the owners have petitioned and will continue to seek annexation of their properties to the City of Wooster at the earliest possible time.

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

SECTION 1. That the Mayor is hereby authorized to enter into a pre-annexation agreement on behalf of the City of Wooster with Terry and Beverly Raber, the property owners at 2150 Oak Hill Road, for the purpose of facilitating the annexation and extension of utility services to their property contiguous to the City of Wooster. The terms of such agreement will include, but not be limited to, the following: (1) the City of Wooster will, upon adoption of this Ordinance, permit extension of utility services to the properties; (2) the owner will continue to diligently prosecute their petition for annexation of their properties; and (3) such other terms as the Mayor, in his/her discretion, shall deem necessary or proper.

SECTION 2. The Mayor is hereby authorized to permit the extension of water and sanitary sewer service to the subject parcels, in accordance with the terms of the pre-annexation agreement.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council, in compliance with law.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that prompt action is necessary in order to provide for utility services to the properties; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 3-16-20 2nd reading → 3rd reading 3-16-20

Passed: 3-16, 2020

Vote: 6-0

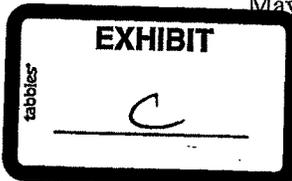
Attest: Dyane Delaulo  
Clerk of Council

Michael G. Bestoff  
President of Council

Approved: 3-17, 2020

R. G. Brown  
Mayor

Introduced by: David Silvestri



## AGREEMENT

**THIS AGREEMENT** made and entered as of the 17<sup>th</sup> day of March 2020 by and between the City of Wooster, a municipal corporation of Ohio, 538 N. Market Street, Wooster, Ohio 44691 (the "City"); and Terry L & Beverly L Raber, Oak Hill Road, Wooster, Ohio 44691 (the "Owner").

**WHEREAS**, Owner owns certain residential real property (PPN 53-00300.000) located at 2150 Oak Hill Road, Wooster, Wayne County, as further described in Exhibit "A" attached hereto and incorporated by reference; and

**WHEREAS**, Owner desires to have access to City utilities including, but not limited to, water, sanitary sewer, and other City services; and

**WHEREAS**, Owner is willing to cause to be filed a Petition with the Board of County Commissioners of Wayne County, Ohio for annexation of the residential real property as soon as the property is contiguous to the City; and

**WHEREAS**, the City is willing to immediately permit the extension of its water and sanitary sewer services to the Owner, and to permit him to tap in or otherwise connect to such lines on the terms and conditions set forth herein.

**NOW THEREFORE**, in consideration of the mutual covenants of the parties hereinafter set forth, each party acting in consideration of the covenants of the other, the parties do hereby covenant and agree as follows:

1. **PETITION FOR ANNEXATION OF RESIDENTIAL REAL PROPERTY**
  - A. Upon execution of this Agreement by the City, Owner agrees to exercise his best efforts to cause the residential real property to be promptly annexed to the City in accordance

with the procedures set forth in Chapter 709 of the Ohio Revised Code. In furtherance of this objective, Owner agrees:

- (1) To immediately cause the execution of a Petition for Annexation for the purpose of effecting the annexation of the residential real property to the City in accordance with the procedures set forth in Chapter 709 of the Ohio Revised Code (the "Agent"); and
- (2) To cause his agent or legal counsel to promptly file the Petition for Annexation with the Board of County Commissioners of Wayne County, Ohio within thirty (30) days of such time as his residential real property becomes contiguous to the corporation limits of City; to provide written notice of the filing to the Clerk of the City and to the Clerk of Wayne Township; and to otherwise diligently pursue the annexation of the residential real property to the City.

B. In the event the Petition for Annexation of the residential real property is denied by the Board of County Commissioners, Owner agrees to timely file an appeal with the Court having jurisdiction thereof and to reasonably pursue and exhaust all appeals through the Courts of the State of Ohio, including the Supreme Court of Ohio. In the event the Petition for Annexation is granted by the Board of County Commissioners but any other interested person petitions the Court of Common Pleas having jurisdiction for an injunction restraining the Wayne County officials from presenting the Annexation Petition and other papers to the City as permitted under Section 709.07 of the Ohio Revised Code, Owner agrees to use his best efforts to cause such petition to be dismissed by the Court and if unsuccessful, to timely file an appeal with the Court having jurisdiction thereof and to reasonably pursue and exhaust all appeals through the Courts of Ohio, including its Supreme Court.

C. In the event that annexation shall be denied or enjoined after exhaustion of all legal remedies as provided in paragraph 1 (B) hereinabove or the application for annexation be rejected as provided in paragraph 6 hereinafter, Owner agrees that he will consent to the classification of the residential real property by the City as a non-resident district and to pay water and sanitary sewer fees based upon the rates used in charging other non-resident users located outside the City.

**2. EXTENSION AND PERMITTING OF WATER AND SANITARY SEWER**

A. In consideration of the agreement by Owner to pursue annexation in the manner provided for in paragraph 1 hereinabove, the City agrees that it will immediately make available to the residential real property its water and sanitary sewer facilities and systems. In furtherance of this Agreement the City will:

- (1) Contemporaneously with the execution of this Agreement, enact and adopt legislation permitting the extension of the water and sanitary sewer services of the City to the residential real property;
- (2) Grant Owner such tap-in and connection permits as are necessary or required to connect to its water and sanitary sewer facilities and systems upon compliance with all applicable regulations and payment of the appropriate fees. Thereafter, and until the residential real property is annexed, Owner will pay such fees and charges as are customary for users who lie outside the corporation limits.

B. The water line provided by the City is a twelve-inch (12") line located on Oak Hill Road on the opposite side of the street from the residential real property. The sanitary sewer line provided by the City is an eight-inch (8") line located in the pavement on Oak Hill Road.

C. In the event that annexation shall be denied or enjoined after exhaustion of all legal remedies as provided in paragraph 1(B) hereinabove, or if the City shall reject the application for annexation as provided in paragraph 5 hereinafter, the City agrees that it will classify the residential real property as a non-resident district and require Owner to pay water and sanitary sewer fees based upon the same rates used in charging other non-resident users located outside the City.

D. Storm Water Management. At no cost to City, Owner will, if required by City, provide to City any necessary storm water drainage easements, and will take such measures with respect to the residential real property as may be required by City's storm water regulations.

### 3. REVOCATION BY CITY

A. Owner acknowledges that the promises set forth in paragraph 1 are material and agree that in the event the Petition for Annexation is not filed as provided therein or, after filing, is withdrawn by Owner, or if Owner fails to appeal and to reasonably pursue and exhaust all appeals in the event the petition is denied by the Board of County Commissioners or a favorable decision is enjoined by a court, or the residential real property is subsequently detached from the City upon petition of the Owner herein, then the City may, as its sole and exclusive remedy, revoke the extension of its water and sanitary sewer services to the residential real property and any tap-in and connection permits previously issued, and the Owner agrees that he will consent to such revocation and will not contest it.

B. Except for the right to revoke the extension of its water and sanitary sewer services to the Owner and any tap-in or connection permits as provided in paragraph 3 (A) hereinabove, the City shall have no claim for damages and no other remedy, at law or in equity, in the event the Petition for Annexation is not filed or, after filing, is withdrawn by Owner or the

signers of the petition withdraw their signatures, or if Owner fails to appeal and reasonably pursue and exhaust all appeals in the event the petition is denied by the Board of County Commissioners or a favorable decision is enjoined by a court, or if the residential real property is detached from the City upon subsequent petition of the Owner.

**4. ACCEPTANCE OF ANNEXATION; ZONING**

The parties agree that upon acceptance of the annexation by the City, the residential real property will also be zoned in a manner that is consistent with the zoning of properties in the immediate vicinity thereof.

**5. REJECTION OF ANNEXATION BY CITY**

In the event the City rejects annexation, the Owner shall be discharged from any further obligation hereunder, but shall be entitled to retain the benefit of the extension of the water and sanitary sewer facilities and systems of the City as a non-resident district pursuant to the provisions of paragraph 2 (C) herein.

**6. AMENDMENT; ASSIGNMENT**

This Agreement may only be amended by a written agreement of the parties hereto. It is not transferable or assignable without the express written approval of the other party.

**7. GOVERNING LAW**

This Agreement shall be governed by and subject to the internal laws of the State of Ohio.

**8. ENTIRE AGREEMENT**

This Agreement constitutes the sole and only agreement between the parties respecting the matters set forth herein. If any clause, sentence, paragraph or part of this Agreement shall, for any reason, be adjudged by any court of record to be invalid, such judgment will not affect,

impair or invalidate the remainder of the Agreement, which shall continue in full force and effect.

**9. BENEFIT AND BINDING EFFECT**

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

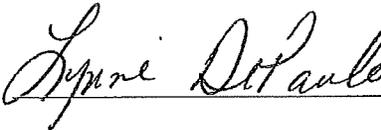
**IN WITNESS WHEREOF**, the parties, intending to be legally bound, hereto have caused this Agreement to be authorized and to be executed as of the day and year first above written.

In the Presence of:

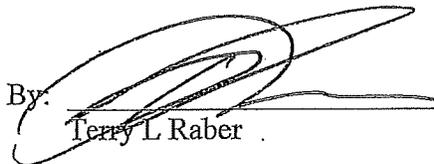
**CITY OF WOOSTER**

 Jonathan Miller JONATHAN MILLER

By:   
Robert F. Breneman, Mayor, by authority granted by Ord. 2020- 09

  
Lynne DePaule

  
Roger Koblar

By:   
Terry L. Raber

  
Beverly L. Raber

By:   
Beverly L. Raber

This instrument prepared by:  
John Scavelli  
Director of Law  
538 N. Market Street  
Wooster, Ohio 44691

**Exhibit A**

Situated in the Township of Wayne, County of Wayne, and State of Ohio: And known as being Lot 29 in the Nelsen Allotment 1 in the Northeast Quarter of Section 32, Township T16N, Range R13W, the plat of which is recorded in Wayne County, Ohio Plat Records Volume 5, Page 19.

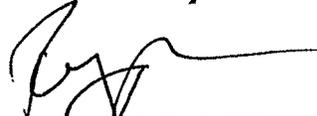
Parcel No. 53-00300.000

WVME CO COMMISSIONERS  
2020 APR 8 AM 11:02

**SCHEDULE OF PARCEL FOR ANNEXATION  
O.R.C. Section 709.02(D)**

<b>Name of Property Owner</b>	<b>Mailing Address</b>	<b>Permanent Parcel No.</b>
Terry L. Raber and Beverly A. Raber	9068 CR 245, Holmesville, OH 44633	53-00300.000

**Submitted By:**



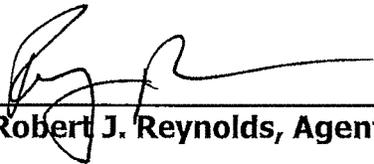
\_\_\_\_\_  
**Robert J. Reynolds, Agent**

JAYNE CO COMMISSIONERS  
2020 APR 8 AM 11:03

**SCHEDULE OF ADJOINING PARCELS**  
**O.R.C. Section 709.02(D)**

<b>Name of Property Owner</b>	<b>Mailing Address</b>	<b>Permanent Parcel No.</b>
Bruce L. Rostetter and Sara L. Rostetter	2160 Oak Hill Road, Wooster, OH 44691	53-00542.000
Anthony S. Quattrocchi and Beth A. Quattrocchi	2147 Melanie Drive, Wooster, OH 44691	68-02620.040
Brianna F. Helms, Debra K. Pritchett and Kevin M. Pritchett	2135 Melanie Drive, Wooster, OH 44691	68-02620.041
Richard A. Becker and Virginia A. Becker	2142 Oak Hill Road, Wooster, OH 44691	53-00898.000
Andrew A. Dordea and Nicole S. Dordea	925 Woodmere Drive, Wooster, OH 44691	68-02623.172

**Submitted By:**

  
\_\_\_\_\_  
**Robert J. Reynolds, Agent**