

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 152-25

ORDINANCE NO. _____

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR SUMMIT SUPPLY FOR EMERGENCY REPAIR OF A WATER MAIN BREAK; AND DECLARING AN EMERGENCY.

WHEREAS, there was a water main break on Gardenland Avenue; and

WHEREAS, the invoice relating to the emergency repair is due and payable (see attached);
and

WHEREAS, Council desires to make payment to Summit Supply in the amount of \$3,500.00.

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

SECTION 1: Council hereby authorizes the Auditor to submit payment to Summit Supply in the amount of Three Thousand and Five Hundred Dollars and 00/100 (\$3,500.00).

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Summit Supply is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

Appendix A

Emergency Expense Approval

Date: 9/17/2025

Vendor: Summit Supply

Dollar Amount: \$3,500.00

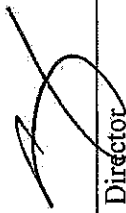
Reason for Expense:

Water main break on Gardenland

Approval:



Departmental Supervisor



Service/Safety Director

*This form must be submitted along with original receipt and Purchase Order if applicable for payment

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Summit Supply
403 N. Main St
Niles, Ohio 44446

Date
9/9/2025

City of Niles
34 West State St
Niles, Ohio 44446

INVOICE
130749

Terms: Net due upon completion

PO: Kevin Robertson / Emergency

Description: Gardenland Water Main Break

Cost

Total

8/27/2025 / 5:15pm: Called out by Kevin Robertson for water main
on Gardenland Ave.

Mobilize equipment and labor and arrive at break, shutdown water
and excavate in roadway to locate water main break.

Locate break in line, clean pipe and prep for repair. Unable to
pressurize due to multilpal water mainline breaks. Barricade
excavation and re open roadway.

Return next morning to check repaired area for leaks and backfill
excavation with #304 limestone. Remove equipment from site..

Total amount due

\$3,500.00

Remit payment to:

Summit Supply
403 N. Main St
Niles, Ohio 44446

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 153-25

ORDINANCE NO. _____

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR MAIN LITE ELECTRIC CO. FOR EMERGENCY REPLACEMENT OF DAMAGED SWITCHES; AND DECLARING AN EMERGENCY.

WHEREAS, there were two faulty GOAB switches on SR. 46 that needed emergency replacement; and

WHEREAS, the invoice relating to the emergency replacement is due and payable (see attached); and

WHEREAS, Council desires to make payment to Main Lite Electric Co. in the amount of \$7,984.00.

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

SECTION 1: Council hereby authorizes the Auditor to submit payment to Main Lite Electric Co. in the amount of Seven Thousand Nine Hundred Eighty-Four Dollars and 00/100 (\$7,984.00).

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Main Lite Electric Co. is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

MAIN LITE ELECTRIC CO. INC.
(330) 369-8333 PHONE
(330) 369-6096 FAX
P.O. BOX 828
WARREN, OH 44482

Invoice

DATE	INVOICE #
9/23/2025	25-116-12

CITY OF NILES, OHIO
OFFICE OF THE AUDITOR
34 W. STATE STREET
NILES, OHIO 44446

PO NO.	JOB NO.
EMERGENCY	2570

QUANTITY	DESCRIPTION	RATE	AMOUNT
	EMERGENCY REPLACE DAMAGED 25KV GOAB SWITCHES		
	9-21-2025 - EMERGENCY REPLACEMENT OF (2) FAULTY 25KV GOAB (GANG OPERATED AIR BREAK SWITCHES) SWITCHES ON SR. 46 - NILES CORTLAND RD. PERFORMED WORK WITH (2) 3-MAN CREWS FROM 00:00 UNTIL 08:00 ON 9/21/2025. INVOICED AS PER PREVIOUSLY SUBMITTED 2025 HOURLY LABOR AND EQUIPMENT BILLING RATES.		
	LABOR		
16	LABOR HOURS (2 CREW FOREMAN X 8 HOURS) - OT RATE	154.00	2,464.00
16	LABOR HOURS (2 CREW JOURNEYMAN LINEMAN X 8 HOURS) - OT RATE	137.00	2,192.00
16	LABOR HOURS (2 GROUNDMAN X 8 HOURS) = OT RATE	93.00	1,488.00
	EQUIPMENT		
32	EQUIPMENT HOURS (4 BUCKET TRUCKS X 8 HOURS)	50.00	1,600.00
16	EQUIPMENT HOURS (2 PICKUP TRUCKS X 8 HOURS)	15.00	240.00
TERMS: NET 30 DAYS 1.5% FINANCE CHARGE PER MONTH ADDED TO ALL DELINQUENT ACCOUNTS		Total	\$7,984.00

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 154-25

ORDINANCE NO. _____

AN ORDINANCE APPROVING A THEN AND NOW PAYMENT REQUEST FOR LEE’S EXCAVATING, INC. FOR EMERGENCY VALVE REPLACEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, a valve at S. Crandon and Robbins Avenue needed emergency replacement; and

WHEREAS, the invoice relating to the emergency replacement is due and payable (see attached); and

WHEREAS, Council desires to make payment to Lee’s Excavating, Inc. in the amount of \$3,657.35.

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

SECTION 1: Council hereby authorizes the Auditor to submit payment to Lee’s Excavating, Inc. in the amount of Three Thousand Six Hundred Fifty-Seven Dollars and 35/100 (\$3,657.35).

SECTION 2: This Ordinance is declared to be an emergency measure in the interest of the public health, safety and welfare as the invoice for Lee’s Excavating, Inc. is due and payable. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

LEE'S EXCAVATING, INC.
5854 WARREN SHARON RD.
BROOKFIELD, OH 44403

330-448-8085

B# To
City of Niles Water Depn. ATTN: Dave Lisc 34 West State St Niles, Ohio 44446

INVOICE	
Date	Invoice #
8/21/25	10949

P.O. No.		Terms	Project
25-0001774		Due on receipt	
Quantity	Description	Rate	Amount
8-4-25	Remove old valve at S. Crandon & Robbins Ave 2-8" Hymax & 33" of 8" D.I. 4 Tons of 57 W.G. 4 Tons of 617 L.S. Labor & Equipment	969.95 132.00 132.00 2,423.40	969.95 132.00 132.00 2,423.40
Total			\$3,657.35

LEE'S EXCAVATING INC
5834 WARREN STATION RD
BROOKFIELD OH 44108

330-448-8085

BILL TO

CITY OF NEWARK
ATTENTION: PUBLIC
24 WEST STREET
NEWARK, OH 43101

INVOICE #

DATE: 12/15/11

INVOICE # 10969

Quantity	Description	PO No	Unit	Rate	Amount
3.425	Rebar sold to City of Newark - Robbin Ave 2.50 Hyman 3.1768 DLE 1 Tons of SAW G 1 Tons of SAW G	25000177	Disposal	567.5	1935.56
Total					1935.56

City of Niles, Ohio

SPONSORED BY: PUBLIC GROUNDS
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 155-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO CONTRACT AND APPROPRIATE THE FUNDS FOR THE WADDELL PARK TRACK IMPROVEMENT PROJECT; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That the Service Director is hereby authorized to enter into a contract with Protect-A-Cote Inc. for the Waddell Park Track Improvement Project.

SECTION 2: Council hereby authorizes the following appropriations of funds from the Unappropriated Park Fund to the following account listed below, as well as the appropriation transfer of funds within the Park Fund:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
221 - Park	221-2121-53980	Contracted Labor	\$89,800.00
Total Appropriation			\$89,800.00

APPROPRIATION TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
221 - Park	221-2121-56560	Grants	(\$20,000.00)
221 - Park	221-2121-57050	Miscellaneous	(\$20,000.00)
221 - Park	221-2121-53980	Contracted Labor	\$40,000.00

SECTION 3: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the project to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on the _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 156-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING WATER FUND 501 APPROPRIATION TRANSFERS FOR DEBT REPAYMENT; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following Water Fund 501 appropriation transfer:

APPROPRIATION TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
501 - Water	501-5151-53980	Contracted Labor	(\$84,000.00)
501 - Water	501-5151-59200	Debt Repayment	\$84,000.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are needed immediately to pay the debt and expenses incurred for the water tower. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 157-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ACCEPT A DONATION FROM VFW POST 2074 AND APPROPRIATE THE FUNDS INTO THE POLICE AND FIRE FUND FOR EQUIPMENT PURCHASES; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the Safety Director to accept a donation from VFW POST 2074 for the Police and Fire Departments in the amount of \$12,000.

SECTION 2: Council hereby authorizes the following appropriations of funds from the Unappropriated Police & Fire 1% Fund to the following accounts listed below in the total amount of Twelve Thousand Dollars and 00/100 (\$12,000.00):

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
217 - Police & Fire 1%	217-1710-56300	Equipment Purchases	\$6,000.00
217 - Police & Fire 1%	217-1715-56300	Equipment Purchases	\$6,000.00
Total Appropriation			\$12,000.00

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that the funds are needed immediately to purchase equipment as needed for the respective departments. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 158-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE DIRECT PURCHASE OF A 2024 FORD BRONCO SPORT, ACCEPTING THE TRADE IN VALUE OF THE CURRENT VEHICLE AND AUTHORIZING THE APPROPRIATION BUDGET TRANSFER OF VARIOUS FUNDS TO PURCHASE THE VEHICLE; AND, DECLARING AN EMERGENCY

WHEREAS, the direct purchase of one 2024 Ford Bronco Sport is appropriate through Klaben Ford of Warren; and

WHEREAS, Council desires to accept the trade in value of the current Bailiff vehicle in the amount of \$15,000; and

WHEREAS, Council desires to authorize an appropriation transfer from various funds to purchase the vehicle.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the direct purchase of a 2024 Ford Bronco Sport from Klaben Ford of Warren.

SECTION 2: Council hereby authorizes the following General Fund 101 and Special Projects Fund 233 appropriation transfers:

APPROPRIATION TRANSFER			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
101 - General Fund	101-1090-56300	Equipment Purchases	(\$3,415.00)
101 - General Fund	101-1006-56300	Equipment Purchases	\$3,415.00
233 - Special Projects	233-3333-54300	Operational Supplies	(\$8,000.00)
233 - Special Projects	233-3333-56300	Equipment Purchases	\$8,000.00

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that the vehicle can be purchased at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: COM. DEV. AND NEIGHBORHOOD STAB. DRAFT NO. 159-25
AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN APPROPRIATION FROM THE UNAPPROPRIATED GENERAL FUND FOR THE COMMUNITY IMPROVEMENT CORPORATION OF NILES (CIC) TO ADVERTISE VACANT PROPERTY FOR REDEVELOPMENT; AND, DECLARING AN EMERGENCY

WHEREAS, the City of Niles transferred vacant property to the CIC for development,

WHEREAS, the transfer was conditioned on the City retaining ultimate approval of development of the property,

WHEREAS, Council desires to authorize an appropriation of funds in order for the CIC to advertise the property, not to exceed \$1,500.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes an appropriation of \$1,500.00 for advertisement of the property:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
101 - General Fund	101-1090-57050	Miscellaneous	\$1,500.00
Total Appropriation			\$1,500.00

SECTION 2: Council authorizes the City to continue maintenance of the property until such time as final disposition of the property is determined and approved by City Council.

SECTION 3: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare for the reason that delays in development of the property are detrimental to the revitalization of the downtown. As such an emergency measure, this Ordinance shall take effect immediately upon passage by Council and approval by the Mayor.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 160-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SAN SERVER REPLICATION FOR DISASTER RECOVERY THROUGH MNJ TECHNOLOGY OHIO STS CONTRACT #534354; AND, DECLARING AN EMERGENCY

WHEREAS, the IT Department seeks to purchase a SAN server replication for disaster recovery through state purchasing; and

WHEREAS, the City purchasing policy requires that any state purchasing procurement in excess of \$15,000.00 first be authorized by council; and

WHEREAS, Council desires to authorize the acquisition of the equipment through state purchasing as the total amount for the server is \$131,500.00.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the purchase of a SAN server replication for disaster recovery through MNJ Technology Ohio STS Contract #534354, when funds are available in the appropriate accounts or otherwise as permitted by law.

SECTION 2: This Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, for the reason that equipment can be purchased at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2025 and signed by me as such Mayor this ____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: FINANCE

DRAFT NO. 161-25

AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AUDIT TRANSFER ADJUSTMENT CONVERTING THE CEMETERY INTERFUND LOAN BALANCE TO A TRANSFER; AND DECLARING AN EMERGENCY

WHEREAS, in 2009 the City had an interfund loan between the General Fund and the Cemetery Fund for \$30,000.00; and

WHEREAS, at the recommendation of outside auditors it is recommended that the cemetery interfund balance be converted to a transfer and then removed from the books; and

WHEREAS, the City books would not need to be adjusted as the monies were already moved from the General Fund to the Cemetery Fund in 2009.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: That Council hereby authorizes an Audit Transfer Adjustment to convert the cemetery interfund loan balance to a transfer in the amount of \$30,000.00.

SECTION 2: This Ordinance is hereby declared an emergency measure in the interest of the public health, safety and welfare for the reason that this adjustment needs to be corrected for audit purposes. As such an emergency measure, this Ordinance shall be effective upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2025 and signed by me as such Mayor this ____ day of _____, 2025.

MAYOR

City of Niles, Ohio

SPONSORED BY: COMM. DEV. AND NEIGHBORHOOD STAB. DRAFT NO. 162-25
AUTHORIZED BY: ALL MEMBERS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO ENTER INTO AN ANNEXATION AGREEMENT WITH GEARMAR PROPERTIES FOR AN EXPEDITED TYPE I ANNEXATION; AND, DECLARING AN EMERGENCY

WHEREAS, Gearmar Properties, Inc. owns approximately 122.632 acres of land in Weathersfield Township, as more fully described in the Annexation Agreement attached; and

WHEREAS, Gearmar Properties, Inc. desires to annex the property into the City of Niles; and

WHEREAS, O.R.C. §709.022 provides for the expedited annexation of property with the consent of all parties and a written annexation agreement (Expedited Type I Annexation); and

WHEREAS, the City of Niles desires to enter into an agreement with Weathersfield Township and Gearmar Properties facilitate the filing of an Expedited Type I annexation petition and memorialize the terms of their agreement with regard to the annexation of the property into the City of Niles.

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

SECTION 1: Council hereby authorizes the City of Niles to enter into an Annexation Agreement with Gearmar Properties for approximately 122.632 acres of land in Weathersfield Township, as required for an Expedited Type I Annexation pursuant to O.R.C. §709.022.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare to allow the parties to enter into the agreement at the earliest possible date as to not delay the Expedited Type I Annexation pursuant to O.R.C. §709.022. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: _____ PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on this _____ day of _____, 2025.

MAYOR

PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (hereinafter "Agreement") is made and entered into pursuant to Ohio Revised Code §709.192, §709.021 and §709.022 and is effective September 23, 2025 ("Effective Date"), between the City of Niles ("City"), duly authorized by Ordinance No. 2025-153, Weathersfield Township ("Township"), duly authorized by Resolution No. 2025-153 and Gearmar Properties, Inc., an Ohio Corporation, ("Gearmar") each a "Party" and collectively the "Parties".

WHEREAS, Gearmar owns approximately 122.632± acres of land located in Weathersfield Township, Trumbull County, Ohio, Permanent Parcel Nos. 24-310900; 24-311300, and 24-311400, as depicted on the Annexation map attached hereto as Exhibit A and made a part hereof (collectively, the "Property"); and

WHEREAS, Gearmar desires to annex the Property into the City; and

WHEREAS, the City and Township desire to cooperate in creating jobs through commercial and industrial development and to foster economic development that will benefit the residents of both the City and the Township; and

WHEREAS, O.R.C. §709.022 provides for the expedited annexation of property with the consent of all parties and a written annexation agreement (Expedited Type I Annexation) and the City, Township, and Gearmar have agreed to the terms of this Annexation Agreement to facilitate the filing of an Expedited Type I annexation petition and memorialize the terms of their agreement with regard to the annexation of the Property into the City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City, Township, and Gearmar hereby agree as follows:

1. Property Defined.

- a) This Agreement is applicable to the Gearmar Property consisting of approximately 122.632± acres of land located in Weathersfield Township, Trumbull County, Ohio, Permanent Parcel Nos. 24-310900; 24-311300, and 24-311400, as depicted on the map attached hereto as Exhibit A and made a part hereof, and the boundaries of the Property shall not be changed except by written amendment to this Agreement.
- b) The Parties irrevocably agree that although the Property will be annexed as an Expedited Type I Annexation, the Property shall be treated for all purposes as though it were annexed as an Expedited Type II Annexation. The property shall become part of the City but shall not be excluded from the Township. The City shall not take action under O.R.C. §503.07 or any other statute to conform the boundaries of the City with respect to the Property, the Township shall not take action under O.R.C. §503.09 to exclude the Property from the Township, Gearmar shall not agree to exclude the Property from the Township, and the Property shall remain in both the Township and the City.

2. Consent to Annexation.

- (a) Gearmar intends to file an annexation petition with the Trumbull County Board of Commissioners ("Commissioners") requesting Annexation of the Property to the City ("Annexation") as an Expedited Type I Annexation under O.R.C. §709.022, and this Annexation Agreement shall be submitted with the petition. Although the Annexation will

be submitted as an Expedited Type I Annexation, the Parties irrevocably agree that the Property shall be treated as though it were annexed as an Expedited Type II Annexation under O.R.C. 709.023 and the Property shall not be excluded from the Township.

(b) The Township consents to the Annexation of the Property on the terms as set forth in this Agreement.

(c) The City consents to the annexation of the Property to the City, and upon annexation, to provide police, fire, power, zoning, water, and if and when available sewer services.

(d) Gearmar, the City and the Township agree to cooperate and provide information necessary for the Commissioners for their review and approval of the Annexation. Should the Annexation petition be granted by the Commissioners, Gearmar, the City and the Township agree to further process the annexation as required by law, subject to the terms of this Agreement.

3. Township Taxes. This Agreement is intended to provide the Township with the tax revenue it would have received from the Property if the annexation had taken place as an Expedited Type II Annexation under O.R.C. §709.023, as the Property shall not be excluded from the Township.

4. Zoning. Upon annexation the City shall be solely responsible for the zoning of the Property. Upon annexation into the City, the Property shall be zoned as a Heavy Manufacturing Zoned District.

5. Cooperation. The Parties agree to cooperate with one another and use their best efforts in the implementation of this Agreement and to sign or cause to be signed in a timely fashion, all necessary instruments, legislation and similar documents, and to take such other actions as are necessary to effectuate the purposes of this Agreement. If this Agreement is challenged by any third party in a court of law, the Parties agree to cooperate with one another and to use their best efforts in defending this Agreement with the object of upholding this Agreement and its provisions.

6. Default, Opportunity to Cure, Remedies. A failure to comply with the terms of this Agreement shall constitute a default. If any Party believes another Party has failed to perform its part of any provision of this Agreement, that Party shall give notice to the other Parties clearly stating what breach they believe has occurred. The Parties shall meet and attempt to resolve the dispute. If they are unable to resolve the matter, the Party receiving the notice shall have ninety (90) days to cure the breach. If the breach has not been cured within that ninety-day period, the Party that sent the notice may sue the defaulting Party in Trumbull County Court of Common Pleas for specific enforcement or injunctive relief or damages or both and may pursue such other remedies as may be available at law or in equity.

7. Miscellaneous:

(a) Term. The Initial Term of this Agreement shall be for ninety-nine (99) years after the Effective Date. Unless a Party notifies both other Parties between twelve and six months prior to the expiration of the Initial Term or any subsequent renewal term of their desire to terminate this Agreement at the expiration of said term, this Agreement shall automatically renew for consecutive terms of twenty (20) years each, with no limit on the number of renewal terms.

(b) Waiver. The failure of any Party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of any right hereunder, nor shall it deprive that Party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement.

(c) Execution. This Agreement may be executed in one or more counterparts by any Party hereto and by all Parties hereto in separate counterparts, each of which, when so executed and delivered to the other Parties, shall be deemed an original. All such counterparts together shall constitute one and the same instrument.

(d) Construction. This Agreement contains the entire agreement between the Parties hereto with respect to the subject matter set forth herein and supersedes any and all other agreements, oral or written. No modification, amendment, alternation, or addition shall be made to this Agreement except in a writing duly executed by all Parties and approved through official legislative action of both the City and Township.

(e) Notices. All notices shall be in writing and shall be deemed to be given if actually received or if hand-delivered or sent by mail requiring signed receipt. Notices shall be addressed as follows or to at such other address as subsequently provided to the other Parties in writing:

City of Niles: Mayor, City Building, 34 West State Street, Niles Ohio 44446

Township: Weathersfield Township Administrator, 1451 Prospect Street, Mineral Ridge,
OH 44440

Gearmar: P O BOX 209 PORTERSVILLE PA 16051

(f) Governing Law and Choice of Forum. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. All claims will be decided in the Court of Common Pleas of Trumbull County, Ohio.

(g) No Third-Party Beneficiary. The provisions of this Agreement are for the exclusive benefit of the City, Gearmar and the Township and not for the benefit of any other person or entity, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any other person or entity.

(h) Binding Effect. This Agreement shall run with the land and be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

[Remainder of Page Intentionally Left Blank]

IN TESTIMONY WHEREOF, the Parties have caused multiple counterparts hereof to be executed by their duly authorized officers on the respective date(s) written below.

THE CITY OF NILES

By: _____

Its: _____

Date: _____

WEATHERSFIELD TOWNSHIP

By: Stan Gules

Its: Chairman, Board of Trustees

Date: 9/22/2025

GEARMAR PROPERTIES, INC. +

By: Dean Constant

Its: President

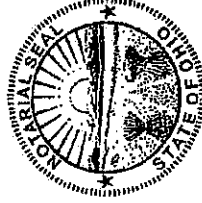
Date: September 22, 2025

STATE OF OHIO : :

COUNTY OF Tenney : : SS

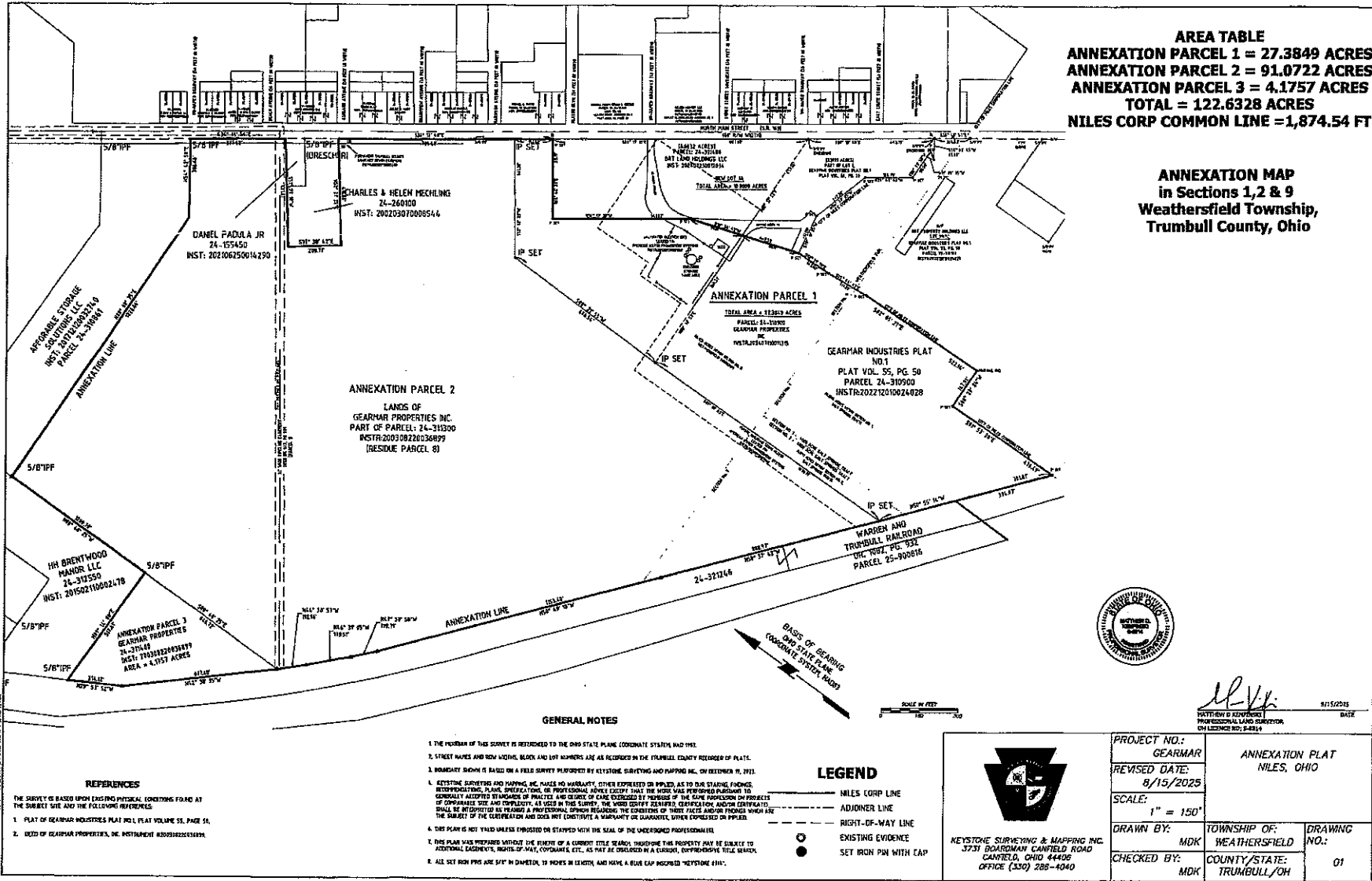
Personally appeared before me, the undersigned, a Notary Public in and for said County and State of Ohio, known or proven to me to be the President of Gearmar Properties, Inc., an Ohio corporation, who executed the foregoing instrument for and on behalf of said corporation, being thereunto duly authorized by its Board of Directors.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Lakewood Ohio on September 22, 2025.



Thomas C. Nader, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Sec 147.03 RC

Notary Public
(Seal)



City of Niles, Ohio

SPONSORED BY: FINANCE
AUTHORIZED BY: ALL MEMBERS

DRAFT NO. 163-25

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE UNAPPROPRIATED SEWER FUND FOR THE BROWN STREET PIPE RELINING PROJECT; AND, DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: Council hereby authorizes the following appropriations of funds from the Unappropriated Sewer Fund to the following account listed below:

APPROPRIATION FROM UNAPPROPRIATED FUNDS			
FUND	ACCOUNT NUMBER	DESCRIPTION	Appropriation
503 - Sewer	503-5353-53980	Contracted Labor	\$200,000.00
Total Appropriation			\$200,000.00

SECTION 2: That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety, and welfare and to allow the project to commence at the earliest possible date. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2025 and signed by me as such Mayor on the _____ day of _____, 2025.

MAYOR