



## CITY OF PATASKALA

### RESOLUTION 2020-047

Passed December 7, 2020

#### **A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A COST SHARING AGREEMENT WITH THE LICKING PARK DISTRICT BOARD OF COMMISSIONERS AND GILBERT REESE FAMILY FOUNDATION FOR WALKING TRAIL IMPROVEMENTS AT FOUNDATION PARK**

***WHEREAS***, the City of Pataskala operates and maintains the Thomas J. Evans Foundation Park, located at 10255 McIntosh Road, Pataskala, Ohio 43062 (“Foundation Park”) pursuant to a lease agreement with the Thomas J. Evans Foundation, a non-profit entity closely affiliated with the Gilbert Reese Family Foundation (the “Foundation”). The City intends for Foundation Park to be used for year-round recreation and enjoyment by local residents; and

***WHEREAS***, the Licking Park District Board of Commissioners (“Park District”) maintains parks and bike/multi-use trails throughout Licking County, under an agreement with the Licking County Board of Commissioners, and also in conjunction with the Thomas J. Evans Foundation; and,

***WHEREAS***, Foundation Park is the largest park in the City, encompassing nearly 78 acres, and presently contains an approximately 1.4-mile (7,200’) mulch-topped walking trail that spans the entire park and surrounding wooded area; and,

***WHEREAS***, the City desires to upgrade and improve the existing walking trail through construction of an approximately 7,200’ compacted, aggregate trail (hereinafter, the “Walking Trail Improvements”); and,

***WHEREAS***, the Walking Trail Improvements will allow for a safer, more accessible trail for all Foundation Park visitors and will provide a benefit to the community; and,

***WHEREAS***, the Foundation and the Park District each desire to contribute financial assistance toward the City’s upcoming construction of the Walking Trail Improvements, and have each agreed to pay 1/3 of the construction costs thereto, or \$38,000.00, whichever is less.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**

**FOUNDATION PARK WALKING TRAIL IMPROVEMENTS  
COST SHARING AGREEMENT**

This Foundation Park Walking Trail Improvements Cost Sharing Agreement ("Agreement") is entered into on the date last executed below, by and between the City of Pataskala, Ohio (hereinafter, the "City"), the Licking Park District (hereinafter, the "Park District"), the Thomas J. Evans Foundation, an Ohio nonprofit corporation (hereinafter, the "Evans Foundation"), and the Gilbert Reese Family Foundation (hereinafter, the "Reese Family Foundation"). The City, Park District, Evans Foundation and Reese Family Foundation are collectively referred to as the "Parties."

**WHEREAS**, the City operates and maintains the Thomas J. Evans Foundation Park, located at 10255 McIntosh Road, Pataskala, Ohio 43062 (hereinafter, "Foundation Park") pursuant to a lease agreement with the Evans Foundation. The City intends for Foundation Park to be used for year-round recreation and enjoyment by City and local residents; and,

**WHEREAS**, the Park District maintains parks and bike/multi-use trails throughout Licking County, Ohio under an agreement with the Licking County Board of Commissioners, and also in conjunction with the Evans Foundation; and,

**WHEREAS**, Foundation Park is the largest park in the City, encompassing nearly 78 acres, and presently contains an approximately 1.4-mile (7,200') mulch-topped walking trail that spans the entire park and surrounding wooded area; and,

**WHEREAS**, the City desires to upgrade and improve the existing walking trail through construction of an approximately 7,200' compacted, aggregate trail (hereinafter, the "Walking Trail Improvements") as described in the January 2020 engineer's estimate secured by the City which is attached hereto as Exhibit "A" and by this reference incorporated herein; and,

**WHEREAS**, the Walking Trail Improvements will allow for a safer, more accessible trail for all Foundation Park visitors and, the Parties agree, will provide a benefit to the community; and,

**WHEREAS**, the Evans Foundation desires to grant permission under the existing lease agreement with the City of Pataskala to allow the construction of the Walking Trail Improvements; and,

**WHEREAS**, the Reese Family Foundation and the Park District each desire to contribute financial assistance toward the City's upcoming construction of the Walking Trail Improvements, and have each agreed to pay 1/3 of the construction costs thereto, or \$38,000.00, whichever is less.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

result of a joint community partnership between the City of Pataskala, Licking Park District, the Thomas J. Evans Foundation, and the Gilbert Reese Family Foundation.”

7. **NOTICES.** All Notices and other communications required under this Agreement, including invoices, shall be in writing and will be deemed to have been given if delivered by hand, or on the next business day if delivered by a recognized overnight courier, or when actually delivered if mailed by certified mail, return receipt requested at the following addresses:

**If to the City of Pataskala:**  
James M. Nicholson, Finance Director  
City of Pataskala  
621 W. Broad Street  
Pataskala, Ohio 43062

**If to the Licking Park District:**  
Richard Waugh, Director  
Licking Park District  
PO Box 590  
Granville, Ohio 43023

**If to the Thomas J. Evans Foundation and Gilbert Reese Family Foundation:**  
Sarah R. Wallace, Chairman and CEO  
The Thomas J. Evans Foundation  
25 E. Walnut Street, PO Box 4217  
Newark, Ohio 43058-4217

Sarah R. Wallace, Chairman and CEO  
The Gilbert Reese Family Foundation  
25 E. Walnut Street, P.O. Box 4217  
Newark, OH 43058-4217

8. **MODIFICATIONS, AMENDMENTS, AND ASSIGNMENT.** This Agreement may be modified or amended only by a written agreement duly executed by the Parties. This Agreement may not be assigned by any Party.
9. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the Parties. The terms and conditions of this Agreement shall supersede the terms and conditions of any other agreement, whether oral or written, between the Parties and relating to the subject matter of this Agreement, with the only exception being the lease agreement between the Evans Foundation and the City for Foundation Park. This Agreement may be executed in multiple counterparts, each of which is identical and each of which shall be deemed to be an original, and all such counterparts together shall constitute but one instrument.

**RICHARD WAUGH  
DIRECTOR**

**APPROVED AS TO FORM:**



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**Brian M. Zets, Esq.  
Law Director, City of Pataskala**