

RESOLUTION NO. 007-16

**A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN
PROPERTY TO WIT: A PORTION (APPROXIMATELY 7
ACRES) OF PARCEL NO. 28-0700320200 OWNED BY THE CITY
TO THE COMMUNITY IMPROVEMENT CORPORATION OF
HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY**

WHEREAS, the City, by Ordinance 34-86, passed July 21, 1986, designated the Community Improvement Corporation of Henry County, Ohio (hereinafter called "the CIC") as the agency and instrumentality of the City for the industrial, commercial, distribution and research development of the City pursuant to Chapter 1724.10 of the Ohio Revised Code; and

WHEREAS, the City and the CIC have since entered into an amended Agreement and Plan of Industrial, Commercial, Distribution and Research Development (Amendment No. 2 dated March 21, 2011; Ordinance No. 017-11); and

WHEREAS, pursuant to Article VIII Section 13 of the Ohio Constitution, which provides for economic development, and the Ohio Revised Code, the Agreement and Plan provides in pertinent part, that in furtherance of the Plan, the CIC [may/will] sell or lease any lands or interests in lands owned by the City determined from time to time by the Council of the City not to be required by the City for its purposes, for uses determined by the Council of the City as those that will promote the welfare of the people of the City, stabilize the economy, preserve, maintain or provide employment, and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City; moreover, that such sale or lease may be made without advertising and receipt of bids when in the best interest of the City, the City specifying the consideration of such sale or lease; and

WHEREAS, the Agreement and Plan also provides in pertinent part, that the City may convey to the CIC lands and interest in lands owned by the City and determined by the Council of the City not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment; moreover, that such sale or lease shall be made without advertising and receipt of bids when in the best interest of the City, the City determining the consideration of such sale or lease; further, if any lands or interests in lands conveyed by the City to the CIC are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC; and

WHEREAS, it has been presented and requested by the Executive Director of the CIC that transfer of approximately seven (7) acres of land owned by the City to the CIC be made in order to further the Plan for Economic Development, consistent with Ohio Revised Code Section 1724.10; and

WHEREAS, the subject property for which the CIC requests transfer ("Subject Property") is approximately seven (7) acres of land, more or less, located immediately west of Commerce Drive; and

WHEREAS, the Subject Property is a portion (approximately seven (7) acres) of Parcel No. 28-0700320200 (a total of 37.62 acres) as found in the Henry County Auditor's Office; and

WHEREAS, the CIC agrees to hold title to and transfer the Subject Property at the appropriate time to any eventual transferee (and potentially eventually back to the City) as determined and agreed upon by simple majority vote of its Board of Trustees consistent with all laws and regulations and the aforementioned Agreement and Plan and the supplemental purchase agreement; and

WHEREAS, the City Manager, being the official in charge of the property, has advised this Council that the Subject Property is no longer needed for a public purpose; **NOW THEREFORE**,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, a portion of Parcel No. 28-0700320200 (approximately seven (7) acres of that Parcel), located in the City of Napoleon, Henry County, Ohio, is hereby determined by this Council not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment.

Section 2. That, being consistent with the City's Charter, Ordinances, Resolutions and the Agreement and Plan, as well as being consistent with the Ohio Revised Code, the parcel or parcels identified in Section 1 of this Resolution shall be transferred to the CIC of Henry County, Ohio without necessity of advertisement or receipt of bids, the same being determined by this Council as being in the best interest of the City; moreover, the City Manager is authorized to execute all agreements, deeds, and other documents required to complete said transfer(s).

Section 3. That, Council determines that the consideration for the conveyance of the Parcel identified in Section 1 of this Resolution shall be as found in a certain real estate purchase agreement and escrow agreement between the CIC and a third party substantially in the form as currently on file in the office of the City Finance Director.

Section 4. That, if any parcel or parcels of land as identified in Section 1 of this Resolution so conveyed by the City to the CIC is or are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, then such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC.

Section 5. That, nothing in Section 4 of this Resolution shall be construed as relieving the CIC of its obligations under the land purchase agreement.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

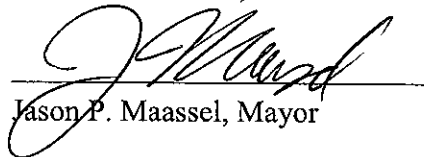
Section 8. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: April 4, 2016



Travis B. Sheaffer, Council President

Approved: April 4, 2016



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 007-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 23 day of April, 2016; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.



Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 007-16

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO WIT: A PORTION (APPROXIMATELY 7 ACRES) OF PARCEL NO. 28-0700320200 OWNED BY THE CITY TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

In this legislation, and pursuant to Ohio Revised Code Chapter 1724, the City of Napoleon transferred approximately seven (7) acres of property located on Commerce Drive to the Henry County Improvement Corporation for the purposes of economic development. The affected Parcel No. is 28-0700320200.

Resolution No. 008-16

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF UPDATING THE CITY'S I/I STUDIES IN THE WASTEWATER COLLECTION SYSTEM, AND TO SOLE SOURCE SAID UPDATES TO STANTEC CONSULTING SERVICES, INC.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to enter into a contract with Stantec Consulting Services, Inc. to update the City's Infiltration and Inflow "I/I" studies in the wastewater collection system. Said updated I/I studies are required by the Ohio EPA. The City Manager is authorized to sole source this contract to Stantec Consulting Services, Inc. for this contract because Stantec already has intimate knowledge of the City's infrastructure.

ORDINANCE NO. 010-16

AN ORDINANCE AUTHORIZING THE CITY MANAGER AND/OR CHIEF OF POLICE TO ESTABLISH AN ACCOUNT WITH THE OHIO DEPARTMENT OF COMMERCE'S VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager and/or Chief of Police to establish an account with the Ohio Department of Commerce's Volunteer Peace Officers' Dependents Fund in order to allow families of part-time and volunteer peace officers to collect state benefits in the event of a peace officer's serious disability or death incurred in the line of duty.

RESOLUTION NO. 011-16

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO WIT: A PORTION (APPROXIMATELY 14.625 ACRES) OF PARCEL NO. 28-0700320200 OWNED BY THE CITY TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

In this legislation, and pursuant to Ohio Revised Code Chapter 1724, the City of Napoleon transferred approximately 14.625 acres of property located on Commerce Drive to the Henry County Improvement Corporation for the purposes of economic development. The affected Parcel No. is 28-0700320200.

ORDINANCE NO. 012-16

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2016; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon supplemented the annual appropriation measure Supplement No. 2) for the fiscal year ending December 31, 2016. The Funds involved in the supplemental appropriation included: law enforcement & education fund, mandatory drug fine fund, probation officers grant fund, and water revenue fund. A related and previously passed Ordinance for fiscal year 2016 includes Ordinance No. 005-16.

All of the above summaries are approved as to form and correctness by Lisa L. Nagel, City Law Director