

**ORDINANCE NO. 029-17**

**AN ORDINANCE APPROVING THE RENEWAL OF  
AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF  
NAPOLEON, OHIO AS APPLIED FOR BY EDWARD A.  
HOEFFEL, ET UX.; AND DECLARING AN EMERGENCY**

**WHEREAS**, with the passage of Ordinance 032-12, City Council authorized land owned by Edward A. Hoeffel, et ux., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

**WHEREAS**, renewal applications have been made by Edward A. Hoeffel, et ux., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

**WHEREAS**, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

**WHEREAS**, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of farmland into an agricultural district, identified in the renewal application as at the location of R-056 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon Township, Parcel Number 41-010024.0000, consisting of 7.92 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

Section 2. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Freedom Drive, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27.060014.0000, consisting of 22.55 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.


Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance 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 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

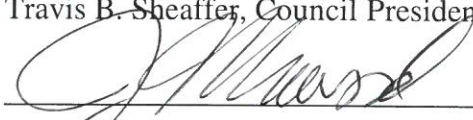
if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance 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 to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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: May 1, 2017

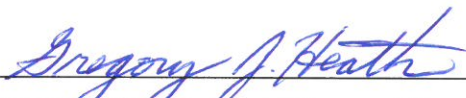
  
Travis B. Sheaffer, Council President

Approved: May 1, 2017

  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 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 Ordinance No. 029-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 8th day of May 2017; & 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

APPLICATION FOR PLACEMENT OF  
FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)

(See page 4 for General Information regarding this Application)

New Application ☒  
Renewal Application ☐

RECEIVED

APR 11 2017

Per Gregory J. Heah  
Gregory J. Heah, Finance Director/Clerk  
City of Napoleon, Ohio

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.  
**Note:** See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: EDWARD A. HOEFFEL, ETUX

Owner's Address: 7 PARK LAKE DRIVE NAPOLEON, OHIO 43545

Description of Land as Shown on Property Tax Statement:  
AGRICULTURAL LAND - SEDED TO ALFALFA IN THE FALL OF 2016.

Location of Property:  
Street or Road- ROSL-13A & FREEMAN DRIVE - CITY OF NAPOLEON, OHIO  
County- HENRY

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
	<u>27-0160014-0000</u>	<u>22.55</u>
	<u>41-0100216-0000</u>	<u>7.92</u>
Total Number of Acres		<u>30.47</u>

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?

Yes ☒ No ☐

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes ☒ No ☐

If NO, complete the following showing how the land was used the past three years:

	ACRES		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland	Soybeans 13.92	Soybeans 13.92	Corn 13.92
Permanent Pasture used for animal husbandry	0.		
Woodland devoted to commercial timber and nursery stock	0.		
Land Retirement or Conservation Program pursuant to an agreement with a federal agency	0.		
Building areas devoted to agricultural production	0.		
Roads, building areas, and all other areas not used for agricultural production	1.0	1.0	1.0
Total Acres	12.92	12.92	12.92

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes ☒ No ☐

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

#### Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Edward A. Hoffel  
Signature of Owner

Date: 8-11-2017

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. \_\_\_\_\_

Action of County Auditor

Application Approved ☒ Rejected \_\_\_\_\_ \*

Date Application Filed with County Auditor 4/11/17

Date Filed (if required) with Clerk of Municipal Corporation \_\_\_\_\_

County Auditor's Signature [Signature] Date 4-11-17

Date Decision Mailed to Applicant \_\_\_\_\_ Certified Mail No. \_\_\_\_\_

\*\*\*\*\*

Action of Legislative Body of Municipal Corporation

Application Approved \_\_\_\_\_ Approved with Modifications \_\_\_\_\_ \* Rejected \_\_\_\_\_ \*

Date Application Filed with Clerk \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Date of Legislative Action \_\_\_\_\_

Clerk's Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Decision Mailed to Applicant \_\_\_\_\_ Certified Mail No. \_\_\_\_\_

\* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION



## INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

### A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

### B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

### C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

### D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

### E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

### F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

### G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

### H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

STATE OF OHIO  
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 8th day of May 2017.

Kimberly Imm  
Kimberly Imm

Subscribed and sworn to before me this  
8th day of May, 2017

Beverly Griteman  
Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$255.30  
Notary Fee: \$1.50

LEGAL NOTICE

Summary of Ordinance No. (a) 024-17, 025-17, 026-17, 027-17,  
028-17, 029-17, 030-17

(PURSUANT TO ARTICLE II, SECTION 2-15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.3, AS WELL AS APPLICABLE PROVISIONS OF OBC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance 024-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY LANKENAU PROPERTIES II, LTD.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by Lankenau Properties II, LTD.

Ordinance 025-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KENNETH W. VORWERK, ET AL.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by Kenneth W. Vorwerk, et al.

Ordinance 026-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY ROCKY, LLC; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by Rocky, LLC.

Ordinance 027-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KEVIN M. HOMAN, ET UX.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by Kevin M. Homan, et ux.

Ordinance 028-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY JAMES F. HOMAN, ET AL.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by James F. Homan, et al.

Ordinance 029-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY ED HOEFFEL, ET UX.; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the renewal of an Agricultural District as applied for by Ed Hoeffel, et ux.

Ordinance 030-17

AN ORDINANCE AMENDING SECTION 1145.01, TABLE OF PERMISSIBLE USES, IN CHAPTER 11 OF THE PLANNING AND ZONING SECTION OF THE CITY OF NAPOLEON'S CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the amendment of Section 1145.01, the Table of Permissible Uses in Chapter 11 of the Planning and Zoning Section of the City of Napoleon's Codified Ordinances; specifically the Agricultural Table under the Commercial Heading.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director