

RESOLUTION NO. 053-17

**A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN
PROPERTIES TO WIT: PARCEL NO. 410095550360 AND
PARCEL NO. 410095550380, BOTH OWNED BY THE CITY OF
NAPOLEON, OHIO, TO THE COMMUNITY IMPROVEMENT
CORPORATION (CIC) 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 the City transfer two specific parcels of land owned by the City to the CIC in

order to further the Plan for Economic Development, consistent with Ohio Revised Code Section 1724.10; and

WHEREAS, the subject property, Parcel No. 410095550360 for which the CIC requests transfer ("Subject Property") is approximately twenty nine one hundredths (0.29) acres of land, more or less, located to the northwest of Riverview Avenue as found in the Henry County Auditor's Office; and

WHEREAS, the subject property Parcel No. 410095550380 for which the CIC requests transfer ("Subject Property") is at this time an undetermined number of acres of land, less than twenty five one hundredths (0.25), located northwest of Riverview Avenue as found in the Henry County Auditor's Office; and

WHEREAS, the CIC agrees to hold title to and transfer the Subject Properties 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, Parcel No. 410095550360 and Parcel No. 410095550380, located in the City of Napoleon, Henry County, Ohio, are 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: October 2, 2017


Travis B. Sheaffer, Council President Pro-Tem
Joseph D. Bialorucki

Approved: October 2, 2017


Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea ☐ Nay ☐ Abstain

Attest:

Gregory J. Heath
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. 053-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 17th day of October, 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
Gregory J. Heath, Clerk/Finance Director

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 11th day of October 2017.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
17th day of October, 2017

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

Printer's Fee: \$286.25
Notary Fee: \$1.50

LEGAL NOTICE

Summary of Ordinance No.(s) 060-17; 061-17;
062-17; 064-17; 065-17 and
Resolution No.(s) 053-17; 063-17

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC 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 060-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY MICHAEL W. ADAMS, TRUSTEE; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon approved the renewal of said Agricultural District as applied for by Michael W. Adams, Trustee.

Ordinance 061-17

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

In this legislation, the City of Napoleon approved the renewal of said Agricultural District as applied for by Keith Fruchey.

Ordinance 062-17

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

In this legislation, the City of Napoleon approved the renewal of said Agricultural District as applied for by Paul D. Martin, et ux.

Ordinance 064-17

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized joining municipalities in retaining special counsel to challenge the amendments to Chapter 718 of the ORC relating to Municipal Income Tax.

Ordinance 065-17

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 3) FOR THE YEAR 2017; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon approved the third quarter budget adjustments.

Resolution 053-17

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTIES TO WIT: PARCEL NO. 410095550360 AND PARCEL NO. 410095550380, BOTH OWNED BY THE CITY OF NAPOLEON, OHIO, TO THE COMMUNITY IMPROVEMENT CORPORATION (CIC) OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the transfer of two parcels from the City to the Community Improvement Corporation.

Resolution 063-17

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), AND ELIMINATING THE NECESSITY OF COMPETITIVE BIDDING, FOR THE PURCHASE OF HARDWARE REQUIRED TO COMPLETE THE MOBILE CAD INSTALLATION PREVIOUSLY APPROVED BY RESOLUTION NO. 049-17, UTILIZING THE FEDERAL COOPERATIVE PURCHASING PROGRAM, WHICH WAS NOT INCLUDED IN THE 2017 MASTER BID RESOLUTION; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the purchase of the hardware required to complete the mobile CAD installation at the City Police Department.

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