

ORDINANCE NO. 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**

WHEREAS, with the passage of Ordinance 043-12, City Council authorized land owned by Keith Fruchey to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Keith Fruchey 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 October 2, 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 ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Appian Avenue, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 24-190076.0300, consisting of eleven and ninety four one hundredths (11.94) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

Section 2. 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 3. 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.

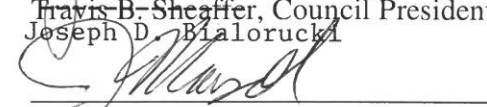
Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland 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: 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 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. 061-17 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, Clerk/Finance Director

A. Owner's Name & Address / Parcel Information
 Parcel Number Acres Description Of Land
 24-190076.0300 11.9400 PCL PT W 1/2 NW 1/4

FILE NUMBER 120084
 Property Location
 APPIAN AVENUE

Total Number of Acres: 11.9400

FRUCHEY, KEITH

P.O. BOX 161
 NAPOLEON OHIO 43545

B. Does any land lie within a municipal corporation limit? Yes ☒ No ☐
 If YES, copy must be submitted to Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes ☒ No ☐ CAUV# 1329

1. If "NO" complete the following showing how land was used the past 3 years.
 Acres: Last Year 2 Years Ago 3 Years Ago

Cropland			
Permanent Pasture for animal husbandry			
Woodland=commercial timber,nursery stock			
Land Retirement or Conservation Program pursuant to agreement with federal agency			
Building areas devoted to AGR production			
Roads, other areas not used AGR production			
TOTAL ACRES			

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", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
 OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

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 that 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.

Signature of Owner Keith Fruchey Date 5/23/17

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****

*** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____

Application Approved _____ Rejected _____ *

Date Application Filed with County Auditor _____

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____

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 _____

Clerks Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

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

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