

ORDINANCE NO. 037-18

**AN ORDINANCE APPROVING WITH MODIFICATION A
CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY
OF NAPOLEON, OHIO AT THE ADDRESS OF 2950 ENTERPRISE
AVENUE AS APPLIED FOR BY BRADLEY HIBBARD AND
LAURA SILLS-HIBBARD; AND DECLARING AN EMERGENCY**

WHEREAS, an application has been made by Bradley Hibbard and Laura Sills-Hibbard pursuant to R.C. Chapter 929, for the purpose of placing thirty-nine and two one hundredths (39.02) 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 June 25, 2018; and,

WHEREAS, after said hearing, it was recommended by the hearing board (Council) to permit the proposed acres to be placed into an agricultural district with modification, the board finding that placing applicants' property in an agricultural district without modification would cause substantial adverse effects on one or more of the following; (1) the provision of municipal services within the municipal corporation; (2) the efficient use of land within the municipal corporation; (3) the orderly growth and development of the municipal corporation; or (4) the health, safety and welfare of the public;

Now Therefore,

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

Section 1. That, the application submitted to the City of Napoleon, Ohio for the placement of thirty-nine and two one hundredths (39.02) of farmland into an agricultural district, with the County Auditor confirming that ORC 929.02(A)(2) is satisfied, and the property is identified in the application as at the location of 2950 Enterprise Avenue, Napoleon, Henry County, Ohio; the tax districts being Napoleon Corp., and Liberty Township, Parcel Number 27-050014-0000, consisting of twenty-seven and ninety five one hundredths (27.95) acres of land, and Parcel Number 27-059662-0020, consisting of eleven and seven one hundredths (11.07) acres of land, is hereby approved by this Council pursuant to R.C. Chapter 929 and this Ordinance with the following modification(s):

- A. Said modification to the application shall be that the current and future property owner(s) of the above described thirty-nine and two one hundredths (39.02) acres of farmland shall continue to pay any and all special assessments that were in effect and due prior to the application for placement of farmland in an agricultural district.

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. Further, the Emergency Clause is necessary to begin the process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: July 16, 2018



Joseph D. Bialorucki, Council President

Approved: July 16, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 1 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. 037-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of July, 2018; & 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

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 26th day of July, 2018.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
31st day of July, 2018

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

Printer's Fee: \$148.85
Notary Fee: \$1.50

LEGAL NOTICE

Summary of Ordinance No.(s) 036-18, 037-18

(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 No. 036-18

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE RIVER BRIDGE AND WATERLINE EXTENSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the expenditure of funds related to the River Bridge and Waterline Extension Project, and authorized the City Manager to enter into a contract with the Henry County Board of Commissioners for the project.

Ordinance No. 037-18

AN ORDINANCE APPROVING WITH MODIFICATION A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE ADDRESS OF 2950 ENTERPRISE AVENUE AS APPLIED FOR BY BRADLEY HIBBARD AND LAURA SILLS-HIBBARD; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon approved an ag district with modification at 2950 Enterprise Avenue, Napoleon, Ohio as applied for by Bradley and Laura Hibbard.

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