

ORDINANCE NO. 067-18

AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN PROPERTIES LOCATED IN AND OWNED BY THE CITY OF NAPOLEON, OHIO TO THE COMMUNITY IMPROVEMENT CORPORATION (CIC) OF HENRY COUNTY, OHIO, TO WIT: PARCEL NOS. 41-119361.0400 AND 41-119361.0500; 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, the City is now desirous to transfer two (2) 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 properties, Parcel No.(s) 41-119361.0400 and 41-119361.0500 for which the City requests transfer to the CIC ("Subject Properties") are approximately eighty-one one hundredths (0.81) acres of land and approximately sixty-six one hundredths (0.66) acres of land, more or less, respectively, located at Roundhouse Road (also known as Marco Drive), Napoleon, Ohio, 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 an eventual transferee 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 Properties are 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.(s) 41-119361.0400 and 41-119361.0500, 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 Ordinance 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 Parcels identified in Section 1 of this Ordinance shall be as found in the real estate purchase agreement and escrow agreement between the CIC and the eventual third party purchaser.

Section 4. That, if any parcel or parcels of land as identified in Section 1 of this Ordinance 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.

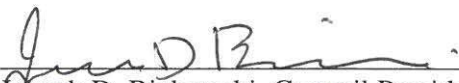
Section 5. That, nothing in Section 4 of this Ordinance shall be construed as relieving the CIC of its obligations under the land purchase agreement.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this 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 7. 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 8. 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 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. 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: December 21, 2018

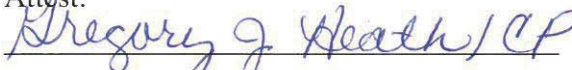

Joseph D. Bialorucki, Council President

Approved: December 21, 2018


Jason P. Maassel, Mayor


VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



Gregory J. Heath, Clerk/Finance Director

Roxanne Dietrich, Interim Clerk of Council
I, ~~Gregory J. Heath~~, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 067-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 27th day of December, 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.

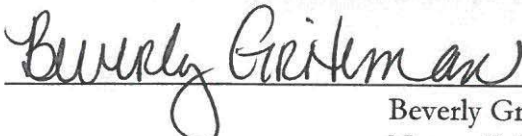

Gregory J. Heath, Clerk/Finance Director
Roxanne Dietrich, Interim Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager 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 27th day of December, 2018.


Sally Heaston

Subscribed and sworn to before me this
27th day of December, 2018


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

Printer's Fee: \$354.00

Notary Fee: \$2.00

Summary of Ordinance No.(s) 067-18, 072-18, 078-18
and Resolution No.(s) 071-18, 079-18, 080-18, 084-18, 087-18

(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. 067-18

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In this legislation, the City of Napoleon transferred two City owned parcels to the CIC.

Ordinance No. 072-18

AN ORDINANCE ESTABLISHING THE APPROPRIATION MEASURE (BUDGET) OF THE CITY OF NAPOLEON, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019, LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon established the 2019 City Budget.

Ordinance No. 078-18

AN ORDINANCE APPOINTING CHRISTINE R. PEDDICORD AS ACTING FINANCE DIRECTOR FOR THE CITY OF NAPOLEON, OHIO BEGINNING DECEMBER 22, 2018; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon appointed Christine R. Peddicord as acting Finance Director beginning December 22, 2018.

Resolution No. 071-18

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS AND AN AGREEMENT FOR FINANCIAL CONSULTANT PROFESSIONAL SERVICES WITH SCHONHARDT AND ASSOCIATES FOR PREPARATION OF THE CITY GAFR, GAAP REPORTS AND INFRASTRUCTURE COST INFORMATION FOR GASB-34

In this legislation, the City of Napoleon authorized entering into an Agreement for financial consulting services with Schonhardt & Associates.