

ORDINANCE NO. 004-21

AN ORDINANCE APPROVING THE RENEWAL OF A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE LOCATION OF COUNTY ROAD P AS APPLIED FOR BY LINDA OTERMAT; AND DECLARING AN EMERGENCY

WHEREAS, City Council previously authorized land owned by Linda L. Otermat, to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, a renewal application has been made by Linda L. Otermat, pursuant to R.C. Chapter 929, for the purpose of keeping the one hundred sixty-four and forty-eight one hundredths (164.48) more or less 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 February 15, 2021; and,

WHEREAS, after said hearing, Council now desires 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 application submitted to the City of Napoleon, Ohio for the placement of 164.48 acres of farmland into an agricultural district, identified in the original application as at the location of County Road P, Napoleon, Henry County, Ohio; the tax district being Harrison Township, Napoleon School District, Parcel Number 22-180026-0000, consisting of 31.08 acres of land more or less, Parcel Number 22-180038-0000, consisting of 21 acres of land more or less, Parcel Number 22-180040-0000, consisting of 50.11 acres of land more or less, Parcel Number 22-180042-0000, consisting of 7.77 acres of land more or less, Parcel Number 22-180050-0000, consisting of 20.98 acres of land more or less, and Parcel Number 22-180024-0000, consisting of 27.54 acres of land more or less, are hereby approved without modification by this Council pursuant to Ohio Revised Code 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for the timely commencement of the necessary process, and for further reasons as stated in the Preamble hereof.

Passed: April 5, 2021

Joseph D. Bialorucki
Joseph D. Bialorucki, Council President

Approved: April 5, 2021

Jason P. Maassel
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 004-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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.

Roxanne Dietrich, Clerk of Council

Certification

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of Ordinance No. 004-21 passed by City Council on April 5, 2021.

Roxanne Dietrich

Roxanne Dietrich
Clerk of Council

April 6, 2021

Date

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 9 day of February, 2021.

Sally Heaston
Sally Heaston

Subscribed and sworn to before me this
17 day of February, 2021

Kristi Clark
Kristi Clark
Notary Public,
State of Ohio
My Commission
Expires October 25, 2025



KRISTI L. CLARK
Notary Public
State of Ohio
My Comm. Expires
October 23, 2025

Printer's Fee: \$ 100.00
Notary Fee: \$ 3.00

NOTICE OF PUBLIC HEARING

Please take notice:

A Public Hearing will be held by the City Council of the City of Napoleon, Ohio in the Council Chambers of the City Building located at 255 W. Riverview Ave. on Monday, February 15, 2021 at 6:55 pm to consider the following items:

An application for placement of farmland in an agricultural district (ORC Section 929.02) has been filed by Linda Lee Otermat for 31.08 acres in Parcel #22-180026.0000, 21.0 acres in Parcel #22.180038.0000, 50.11 acres in Parcel #22.180040.0000, 7.77 acres in Parcel #22.180042.0000, 26.98 acres in Parcel #22-180050.0000, and 27.54 acres in Parcel #24.180024.0000.

All persons desiring to speak regarding the subject of this notice may appear at the hearing and be heard thereon.

Joseph D. Bialorucki
President
City Council
City of Napoleon, Ohio

If you have questions or concerns regarding this notice, you may contact Roxanne Dietrich, City of Napoleon Clerk of Council (419) 592-4010.