

## **RESOLUTION NO. 008-21**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF NAPOLEON TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND RECEIVE FINANCIAL ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION STATE INFRASTRUCTURE BANK LOAN PROGRAM FOR THE OAKWOOD AVENUE AND AMERICAN ROAD PROJECT; AND DECLARING AN EMERGENCY**

**WHEREAS**, on December 7, 2020, the Council of the City of Napoleon, Ohio ("City Council") approved Ordinance No. 056-20 (the "TIF Ordinance"), declaring, *inter alia*, (a) that one hundred percent (100%) of the increase in the assessed value of certain identified property (which increase in assessed value is an "Improvement" as defined in Ohio Revised Code ("R.C.") Section 5709.40) shall be a public purpose and shall be exempt from real property taxation commencing on a parcel-by-parcel basis, (b) that as provided in R.C. Section 5709.42, the owner of any Parcel (as defined in the TIF Ordinance) with an Improvement is required to make annual payments in lieu of taxes to the Henry County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes, (c) that each such payment (including interest and penalties) shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation (the payments in lieu of tax, including any penalties and interest, the "Service Payments"), (d) that the County Treasurer shall remit all Service Payments to the City for deposit in the Oakwood/American Napoleon Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") established in Section 5 of the TIF Ordinance that are not required to be distributed to the School Districts (as defined in the TIF Ordinance) and the Four County Career Center; and,

**WHEREAS**, the State Infrastructure Bank, operated by the Ohio Department of Transportation ("ODOT"), is a loan funding program that provides financial assistance to political subdivisions of the State of Ohio; and,

**WHEREAS**, the City of Napoleon, Ohio is currently in the process of making infrastructure improvements *via* the project known as the Oakwood Avenue and American Road Project; and,

**WHEREAS**, the City of Napoleon, Ohio is qualified to apply for and obtain finance assistance from the State Infrastructure Bank for the purpose of this project; and,

**WHEREAS**, this City Council deems it proper and in the best interest of the City of Napoleon to apply for a loan from the State Infrastructure Bank in the current estimated amount of approximately \$1,550,000 (with the final amount determined upon receipt of actual construction bids) to be used for the Oakwood Avenue and American Road Project; and,

**WHEREAS**, the City of Napoleon's TIF Fund, pursuant to the TIF Ordinance, and if necessary City of Napoleon capital funds, until money is received from the TIF, then reimbursed to the Capital Fund, will provide an adequate resource for repayment on the State Infrastructure Bank Loan; and,

**WHEREAS**, the City of Napoleon authorizes the City Manager, as well as other City officials such as the City Engineer or City Finance Director to enter into and/or execute any agreements or other documents as may be required by the State Infrastructure Bank Program necessary and appropriate for obtaining this financial assistance. **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, this City Council deems it proper and in the best interest of the City of Napoleon to apply for a loan from the State Infrastructure Bank Program in the current estimated amount of approximately \$1,550,000 (with the final amount determined upon receipt of actual construction bids) to finance the City of Napoleon's Oakwood Avenue and American Road Project.

Section 2. That, this City Council does hereby authorize the City Manager and/or other City of Napoleon officials as necessary to submit a State Infrastructure Bank loan application, together with all required documentation, and authorizes entering into any agreements and/or executing any documents that may be necessary on behalf of the City of Napoleon to successfully obtain financial assistance from the ODOT State Infrastructure Bank Loan Program for the Oakwood Avenue and American Road Project as set forth in this Resolution.

Section 3. 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 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution with respect to the State Infrastructure Bank Loan Program financing for the Oakwood Avenue and American Road Project, 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 5. 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 to be eligible for receiving funding for a program that is essential to public peace, health or safety; 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: April 19, 2021

Joseph D. Bialorucki  
Joseph D. Bialorucki, Council President

Approved: April 19, 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 Resolution No. 008-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 22nd day of April, 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  
Roxanne Dietrich, 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 22 day of April, 2021.

Sally Heaston

Sally Heaston

Subscribed and sworn to before me this  
29 day of April, 2021

Kristi Clark

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

Printer's Fee: \$137<sup>50</sup>  
Notary Fee: \$ 3<sup>00</sup>



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

**Summary of Resolution No.008-21**

(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.

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In this legislation, the City of Napoleon authorized the City Manager to sign the application and all contracts and documents necessary to apply for and receive financial assistance from the ODoT State Infrastructure Bank Loan Program for the Oakwood Avenue and American Road Project.

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