

ORDINANCE NO. 020-23

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 DECLARING AN EMERGENCY

WHEREAS, an application has been made by Bradley Hibbard pursuant to R.C. Chapter 929, for the purpose of placing ten and zero hundredths (10.00) 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 April 10, 2023; 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 ten and zero hundredths (10.00) 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 ten and zero hundredths (10.00) 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 ten and zero hundredths (10.00) 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.

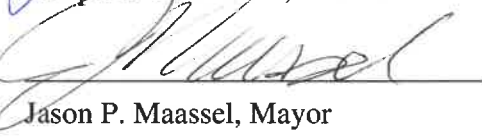
Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining 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 continue the process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: 4-17-23


Joseph D. Bialorucki, Council President

Approved: 4-17-23


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Marrison Flogaus, Clerk of Council

I, Marrison Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 020-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2023; & 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.

Marrison Flogaus, Clerk of Council