

# Ordinance No. 8039

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN  
PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE,  
DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO  
DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF  
THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE  
PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC  
IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE  
DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED  
AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS  
5709.40, 5709.42, AND 5709.43**

**WHEREAS**, Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 (the “Act”) provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare improvements with respect to such parcels of real property located in the City of Defiance (the “City”) to be a public purpose, thereby authorizing the exemption of those improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and,

**WHEREAS**, the City desires to implement a tax increment financing program on the Parcels (as defined in Section 1) pursuant to the Act to enable the City to make or cause to be made public infrastructure improvements that will directly benefit the Parcels; and,

**WHEREAS**, the Defiance City School District, the Northeastern Local School District, and the Four County Joint Vocational School District has been notified of this Ordinance consistent with Ohio Revised Code Section 5709.83;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1: Parcels.** The real property subject to this Ordinance is identified and depicted on Exhibit A (that area, as the parcels therein are consolidated or subdivided, is hereinafter referred to as the “Parcels”, with each individual parcel a “Parcel”, excluding the portions thereof to be part of public streets and other public improvements otherwise exempt from property taxation for their governmental use).

**Section 2: Public Improvements.** This Council hereby designates the public infrastructure improvements described in Exhibit B (the “Public Improvements”) and any other public infrastructure improvements hereafter designated by Ordinance as public infrastructure improvements made, to be made, or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

**Section 3: Property Tax Exemption.** This Council hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in Ohio Revised Code Section 5709.40) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing on the date an improvement valued at a minimum of \$100,000.00 on that Parcel first appears on the tax list and duplicate were it not for the exemption granted in this Ordinance and ending on the earlier of:

- (a) 10 years after such commencement; or
- (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the Act.

**Section 4: Service Payments.** As provided in Ohio Revised Code Section 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the improvement allocable to each Parcel to the County Treasurer on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the “Service Payments”), which Service Payments shall be deposited in the municipal public improvement tax increment equivalent fund established in Section 5 hereof. The Council authorizes the City Administrator, Finance Director, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver, or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

**Section 5: Tax Increment Equivalent Fund.** This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Latchaw Drive Public Improvement Tax Increment Equivalent Fund (the “Fund”), into

which shall be deposited all of the Service Payments and any associated rollback payments and related interest and penalty payments distributed to the City with respect to the improvements on the Parcels, by or on behalf of the County Treasurer as provided in Ohio Revised Code Section 5709.42, and hereby provides that all of the moneys deposited in the Fund shall be used for any and all of the following purposes:

- (a) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (b) to pay the interest on and principal of bonds or notes, and premiums, if any, including refunding of additional bonds or notes or other obligations issued or loans entered into by the City, or another governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee fees and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of obligations; and
- (c) to reimburse the City, the State of Ohio, or other governmental entity, or a private entity under contract with the City, for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premiums, and related costs on any of the aforesaid notes, bonds, loans, or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with Ohio Revised Code Section 5709.43.

**Section 6: Filing and Reporting to State.** Pursuant to Ohio Revised Code Section 5709.40, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect, the Finance Director or any other appropriate official of this City shall prepare and submit to the Director of the Development Services Agency the status report required under Ohio Revised Code Section 5709.40.

**Section 7: Further Authorizations.** The City Administrator is hereby authorized to enter into an agreement with the appropriate school districts in accordance with Ohio Revised Code Section 5709.82 if the City Administrator and Law Director determine such an agreement to be consistent with the purposes and requirements of this Ordinance and otherwise in the best interest of the City, all of which shall be conclusively evidenced by the signing of the agreement by those officials. The City Administrator, the Finance Director, or other appropriate officer of the City is authorized and directed to prepare and sign all agreements and instruments and to take any other action as may be appropriate to implement this Ordinance.

**Section 8: Compliance with Open Meeting Requirements.** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 9: Captions and Headings.** The captions and headings in this Ordinance are solely for the convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a "Section" means a section of this Ordinance unless otherwise indicated.

**Section 10: Effective Date.** This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 10, 2018 David McMaster  
President of Council

Attest: Lisa Elders, Clerk

Approved: July 10, 2018 Michael McCann  
Mayor

# Ordinance No. 8040

## AN ORDINANCE AUTHORIZING THE PURCHASE OF ASSET MANAGEMENT SOFTWARE FOR ALL CITY DIVISIONS AND DECLARING AN EMERGENCY

**WHEREAS**, new regulatory requirements from the Ohio Environmental Protection Agency ("Ohio EPA") place increased demands on management at the Water Treatment Plant; and,

**WHEREAS**, discussions with the software vendor and among the City Administration to address these demands revealed that the acquisition of workflow management software would aid the other City divisions in the tracking of assets, resources, and manpower; and,

**WHEREAS**, Dude Solutions, Inc. submitted a proposal to assist the City divisions with generating work orders and managing assets in the amount of \$15,929.27; and,

**WHEREAS**, workflow management software will provide the City with real-time conditions and assessments of its assets and inventory; and,

**WHEREAS**, Council finds that improved tracking of division tasks promotes the health and financial wellness of the City by maintaining property accountability and reducing employee inefficiencies;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to enter into a contract with Dude Solutions, Inc. for a subscription and implementation of services in accordance with the proposal on file with the Law Director at the price of \$15,929.27.

**Section 2:** The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from the 2018 annual budget as follows:

- a) 60% from the Water Fund;
- b) 20% from the Water Pollution Control Fund; and
- c) 20% from the General Fund.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 4:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the Water Treatment Plant is subject to new requirements from the Ohio Environmental Protection Agency that take effect October 1, 2018. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five Members of Council and approval of the Mayor.

Passed: July 10 \_\_\_\_\_, 2018      David McMaster \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 7 \_\_\_\_\_  
Votes Opposed to Adoption: 0 \_\_\_\_\_

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: July 10 \_\_\_\_\_, 2018      Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 8041

## **AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT KISER ROAD AND APPROPRIATING FUNDS FOR THAT PURPOSE**

**WHEREAS**, the City seeks to acquire property for a future second reservoir that is close in proximity to the existing reservoir; and,

**WHEREAS**, the City Administration identified a twenty-acre parcel along the west side of the existing reservoir that is on the market and is large enough to fulfill this need; and,

**WHEREAS**, the target property is located at Kiser Road, Defiance, Ohio 43512 and is identified by the Defiance County Auditor as Permanent Parcel Number B11-0033-0011-01; and,

**WHEREAS**, the City desires to enter into a contract to purchase the real property for the amount of \$300,000.00; and,

**WHEREAS**, Council finds that fee simple ownership of this property will give the City the ability to attract economic development projects that require large amounts of non-potable water upon demand;

**Now therefore**, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

**Section 1:** The City Administrator is directed to enter into a contract with the owner of the real property located at Kiser Road and identified as Permanent Parcel Number B11-0033-0011-01 at a purchase price of \$300,000.00.

**Section 2:** The conveyance of a general warranty deed from the real property owner is hereby accepted.

**Section 3:** The Finance Director is authorized to pay the purchase price of \$300,000.00, plus all settlement charges, closing costs, title insurance premiums, and prorated real property taxes to the date of closing from Line 591-537-52-980880 of the 2018 annual budget for which a supplemental appropriation in that amount is hereby made.

**Section 4:** All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

**Section 5:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 6:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 10 \_\_\_\_\_, 2018      David McMaster  
President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: July 10 \_\_\_\_\_, 2018      Michael McCann  
Mayor