

ORDINANCE NO. _____

AN ORDINANCE SUSPENDING CERTAIN RULES OF CONDUCT AND PROCEDURE AND DECLARING AN EMERGENCY

WHEREAS, Governor Mike DeWine declared a State of Emergency in Executive Order 2020-01D on March 9, 2020 for the purpose of protecting the lives, safety, and health of Ohio residents from the COVID-19 virus; and,

WHEREAS, Dr. Amy Acton, Director of the Ohio Department of Health, issued a "Stay At Home" Order which prohibited public and private gatherings outside of a single household or living unit on March 22, 2020; and,

WHEREAS, this Order exempted essential government functions, including "services provided by the State or any municipality...needed to ensure continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the general public..."; and,

WHEREAS, the Ohio General Assembly passed H.B. 197, a part of which permits a public body to limit access to public meetings provided there is sufficient ability for the general public to "observe and hear the discussions and deliberations of all the members of the public body..."; and,

WHEREAS, Council finds that a suspension of certain rules is both necessary and vital to comply with the above-referenced laws and to ensure the safety of the general public;

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

Section 1: Pursuant to Rule 23 of the Rules of Conduct and Procedure and upon proper Motion made and adopted, Council hereby suspends the following Rules as they relate to the right of the general public to participate in City Council meetings:

- Rule 1.2. "Deliberations to be Conducted in Public Session";
- Rule 6.1(C)(1). "Public Hearings";
- Rule 10.1. "Duty to Attend Meetings";
- Rule 12.1(8). "Public Hearings";
- Rule 12.1(9). "Matters of Public Interest";
- Rule 12.1(12). "Citizen Concerns";
- Rule 19.2. "Conduct of Debate" – as applies to any provisions pertaining to members of the general public; and
- Rule 22.4. "Public Meetings."

Section 2: "Present" for the purposes of Rules 8.5(E), 10.1, 10.2, 10.3, 12.1, 13.5, 13.7(E), 19.1, 19.3, and 19.4 of the Rules of Conduct and Procedure shall mean attendance of the public meeting by means of teleconference, video conference, or any similar electronic technology, or by in-person attendance.

Section 3: This rule amendment and suspension shall remain in effect until the Governor rescinds the State of Emergency or on December 1, 2020, whichever is sooner.

Section 4: 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 5: 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 COVID-19 pandemic presents an urgent need to protect the general public and prevent or reduce in-person gatherings at City Council meetings. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL PROPERTY
LOCATED AT INTEGRITY DRIVE IN ZELLER FIRST ADDITION**

WHEREAS, the 0.976-acre property described and attached hereto as "Exhibit A" is no longer needed for any municipal purpose; and,

WHEREAS, Section 721.28 of the Ohio Revised Code authorizes a municipal corporation to transfer, lease, or convey any real property for urban redevelopment or renewal *without competitive bidding*; and,

WHEREAS, the Community Improvement Corporation ("CIC") is willing to accept the property in order to transfer it to an end user for an economic development project; and,

WHEREAS, Council finds that the sale of the property for the bid amount is in the best interests of the City and may promote economic development along Integrity Drive;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, two-thirds of the members thereof concurring that:

Section 1: Council hereby adopts a redevelopment plan for the subject property depicted in "Exhibit A" with the goal of promoting a business expansion.

Section 2: The sale of the property depicted in "Exhibit A" to the CIC is hereby authorized in the amount of \$1.00.

Section 3: The Finance Director is authorized to pay the cost of attorney's fees, recording fees, and any other fees incidental to closing from appropriated funds allocated by expenditure from Line 101-172-52-963000 of the 2020 annual budget.

Section 4: 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 5: 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 municipality is in great need of economic development at this time and this conveyance would facilitate that development. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

PROPERTY DESCRIPTION
PARCEL 1
0.976 Acres

Being a parcel of land being part of Lot 3, Zeller First Addition and situated in the Southeast Quarter, Section 28, Township 4 North, Range 4 East, Defiance Township, City of Defiance, Defiance County, Ohio. Being more specifically described as follows:

Commencing at the Southwest corner of said Lot 3, said point being a steel pin found this survey and the TRUE POINT OF BEGINNING of the parcel herein described;

Thence North 02 degrees 00 minutes 28 seconds East, along the West line of said Lot 2, a distance of 300.00 feet to a 5/8 inch rebar (capped Bell 6717) placed this survey at the Northwest corner of said Lot 3;

Thence South 88 degrees 34 minutes 00 seconds East, along the North line of said Lot 3, a distance of 50.00 feet to a 5/8 inch rebar (capped Bell 6717) placed this survey;

Thence South 02 degrees 00 minutes 28 seconds West a distance of 250.00 feet to a 5/8 inch rebar (capped Bell 6717) placed this survey;

Thence South 88 degrees 34 minutes 00 seconds East a distance of 550.00 feet to a 5/8 inch rebar (capped Bell 6717) placed this survey on the West right of way line of Integrity Drive;

Thence South 02 degrees 00 minutes 28 seconds West, along the West right of way line of Integrity Drive, a distance of 50.00 feet to a point established this survey at the Southeast corner of said Lot 3;

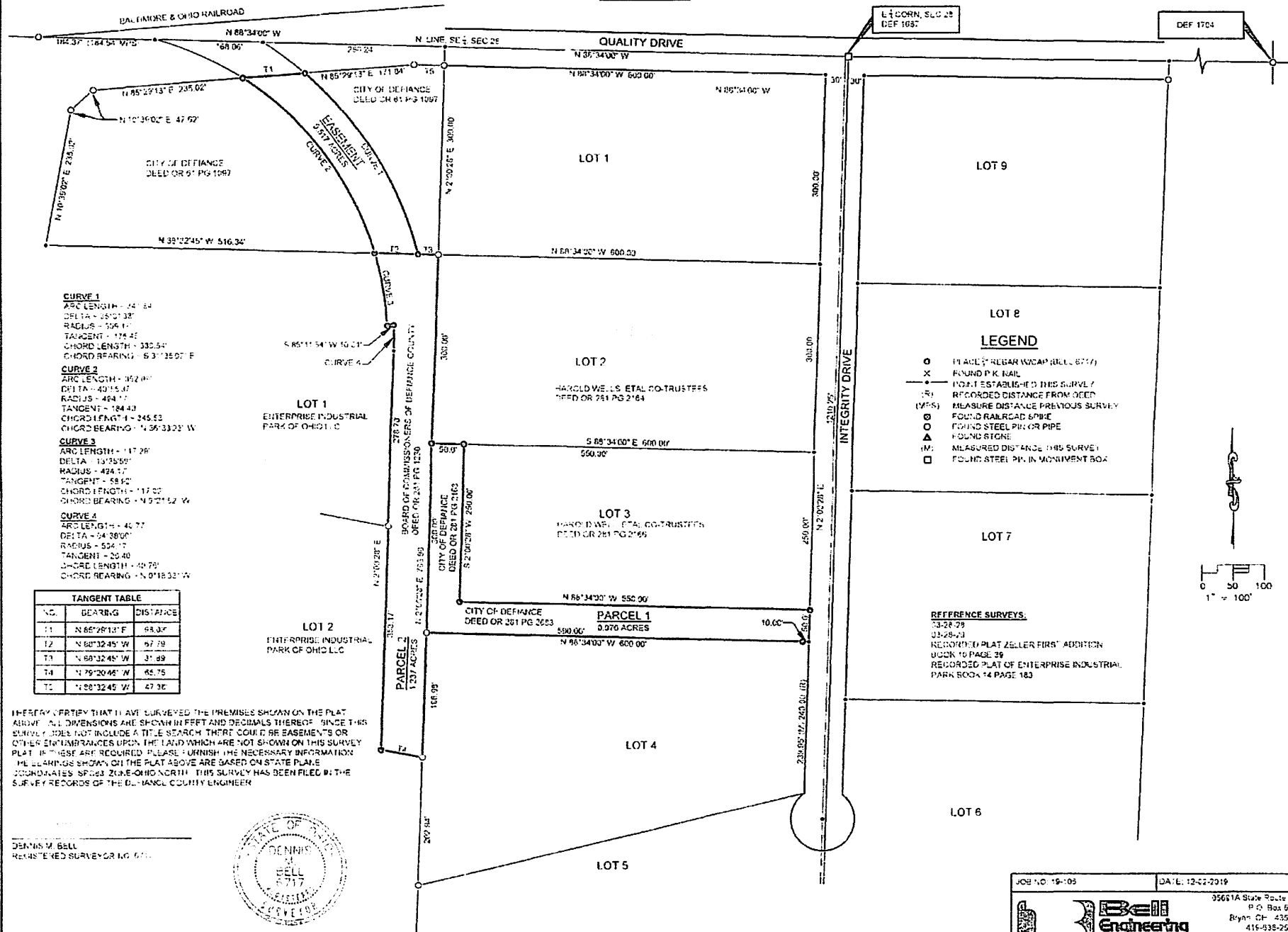
Thence North 88 degrees 34 minutes 00 seconds West, along the South line of said Lot 3, a distance of 10.00 feet to a 5/8 inch rebar (capped Bell 6717) placed this survey;

Thence continuing North 88 degrees 34 minutes 00 seconds West, along the South line of said Lot 3, a distance of 590.00 feet to the TRUE POINT OF BEGINNING of the parcel herein described, containing 0.976 acres, more or less, and subject to highways rights of way and easements of record. The bearings shown on the plat are based on State Plane Coordinates, SPC 83, Ohio North Zone.

PLAT OF SURVEY

PARCELS OF LAND BEING SITUATED IN THE SOUTHEAST QUARTER SECTION 28, TOWNSHIP 4 NORTH RANGE 4 EAST, DEFIANCE TOWNSHIP, CITY OF DEFIANCE, DEFIANCE COUNTY, OHIO.

SURVEYED FOR: DEFIANCE COUNTY CIC



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PREMISES SHOWN ON THE PLAT ABOVE. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF. SINCE THIS SURVEY DOES NOT INCLUDE A TITLE SEARCH, THERE COULD BE EASEMENTS OR OTHER ENCUMBRANCES UPON THE LAND WHICH ARE NOT SHOWN ON THIS SURVEY PLAT. IF THESE ARE REQUIRED PLEASE FURNISH THE NECESSARY INFORMATION. THE BEARINGS SHOWN ON THE PLAT ABOVE ARE BASED ON STATE PLANE COORDINATES SPZ83 ZONE OHIO NORTH. THIS SURVEY HAS BEEN FILED IN THE SURVEY RECORDS OF THE DEFIANCE COUNTY ENGINEER.

DENNIS M. BELL
REGISTERED SURVEYOR NO. 6711



JOB NO: 19-105 DATE: 12-02-2019

35651A State Route 15
P.O. Box 695
Bryan, OH 43506
419-635-2505
419-635-6434
bellengineering@att.net

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A PURCHASE AGREEMENT
ADDENDUM WITH THE DEFIANCE CITY SCHOOL DISTRICT BOARD
OF EDUCATION AND DECLARING AN EMERGENCY**

WHEREAS, Council authorized the negotiation for the purchase of real property located at 629 Arabella Street in Ordinance No. 8124 on May 7, 2019 and authorized the execution of a purchase agreement for this real property in Ordinance No. 8180 on December 3, 2019; and,

WHEREAS, a reversionary clause exists in the prior instrument that would prevent the City from taking marketable title to all of the subject property; and,

WHEREAS, Council finds that extending the agreement until August 1, 2020 would provide for more time to resolve this issue;

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 the First Addendum to the Real Estate Purchase attached as "Exhibit A" and to execute any further addenda necessary to acquire clear title in fee simple absolute to this real property.

Section 2: 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 3: 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 time to execute the Purchase Agreement expired on April 1, 2020 and time is of the essence for the City to maintain the opportunity to acquire marketable title to this property. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

FIRST ADDENDUM TO REAL ESTATE PURCHASE AGREEMENT

This First Addendum to Real Estate Purchase Agreement is entered into by and between the **DEFIANCE CITY SCHOOL DISTRICT BOARD OF EDUCATION**, of 801 S. Clinton Street, Defiance, Ohio 43512, hereinafter referred to as **SELLER**, and the **CITY OF DEFIANCE**, 631 Perry Street, Defiance, Ohio 43512, hereinafter referred to as **BUYER**.

WHEREAS, Buyer and Seller are parties to a real estate purchase agreement, which is incorporated herein by reference as if fully restated (the "Purchase Agreement"); and

WHEREAS, said Agreement calls for a closing date of April 1, 2020; and

WHEREAS, additional work is still necessary in order for the Seller to convey quiet and marketable title to Buyer; and

WHEREAS, the parties now wish to extend the time for closing.

NOW THEREFORE, be it agreed by the parties as follows.

Section 1. Notwithstanding any provision of the Purchase Agreement to the contrary, the parties hereby agree to extend the closing date in writing. The time for closing shall be August 1, 2020, unless a further extension is agreed to by the parties' designated agents in writing.

Section 2. All remaining terms of the Purchase Agreement remain in full force and effect.

IN WITNESS WHEREOF, the authorized representatives for the parties have each set their hand hereunder, in order to signify their intent to be bound by the foregoing.

Dated: _____

Defiance City Schools Board of Education –
Seller
By:

Cathy Davis, President

Cheryl Swisher, Treasurer

Dated: _____

City of Defiance, Ohio – Buyer
By: Jeff Leonard, City Administrator

This document approved as to legal form

Dated: _____

By: _____
Sean C. O'Donnell, Director of Law

RESOLUTION No. _____

A RESOLUTION IN SUPPORT OF A SOURCE WATER PROTECTION PLAN

WHEREAS, Council takes an interest in protecting the municipal drinking water from contaminants such as phosphates and pathogens; and

WHEREAS, Council finds that a Source Water Protection Plan is essential for the health and safety of Defiance residents and for the economic viability of local business;

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

Section 1: Council supports the attached Source Water Protection Plan in its current form and will use it as a tool in analyzing future legislation and its impact on drinking water henceforth.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2020

President of Council

Attest: _____, Clerk

Approved: _____, 2020

Mayor