

RECORD OF RESOLUTIONS

0363

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-01

Passed

01/14

, 20

19

RESOLUTION FOR THE CITY OF MARION, OHIO AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE APPLICATION FOR THE ASSISTANCE TO FIREFIGHTER GRANT APPLICATION TO INCREASE STAFFING THROUGH THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT.


WHEREAS, the City of Marion Fire Department is requesting approval to apply for the Assistance to Firefighter Grant, Staffing for Adequate Fire and Emergency Response Grant. The objective of the SAFER grant is to assist the department with additional staffing to increase emergency squad efficiency to respond to emergencies and assure that the community has adequate protections from fire and fire-related hazards. This grant will provide funding for additional firefighters/paramedics.

WHEREAS, the period for the SAFER Grant is thirty-six (36) months. The funds are directly related to the salary and benefits of firefighter/paramedics.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARION, OHIO:

PART1: That the City Council approve submission of the SAFER Grant and fund if awarded.

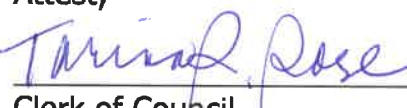
PART 2: That this resolution shall take effect immediately from and after passage.



Todd Schneider
President of Council

Approved:


Mayor Scott Schertzer

Attest;


Clerk of Council

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Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-02 Passed 01/14, 2019

RESOLUTION CONFIRMING THE APPOINTMENT, BY THE MAYOR, OF AN INDIVIDUAL TO SERVE AS A MEMBER OF THE AIRPORT COMMISSION

WHEREAS, pursuant to Section 159.02 of the Codified Ordinance of Marion, the Mayor of the City of Marion is authorized to appoint members to the Airport Commission, subject to the approval and consent of Council of said City, and

WHEREAS, Mayor Scott Schertzer has asked Council for its approval and consent to the appointment of said individual listed in Section 1 to fill an unexpired term on the Airport Commission for the term set to expire as also noted in Section 1, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the following appointment to the Airport Commission by Mayor Scott Schertzer of the following individual to wit:

<u>Member</u>	<u>Term Expiration</u>
Low Lause	05/31/2020

be approved and the same is hereby confirmed by Council.

Section 2. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.


 Todd Schneider
 President of Council

Approved:


 Mayor Scott Schertzer

Attest:


 Clerk of Council

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Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

0369

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-03

Passed 01/28, 2019

RESOLUTION AUTHORIZING THE AUDITOR TO TRANSFER APPROPRIATED GENERAL FUND MONIES TO PARKS, TRANSIT, POLICE, FIRE AND DISPATCH AND ANY OTHER FUNDS APPROVED BY COUNCIL FOR THE YEAR ENDING DECEMBER 31, 2019,

WHEREAS, the appropriations have been made from the general fund to Parks, Transit, Police, Fire and Dispatch for 2019

WHEREAS, the Auditor is requesting those funds be moved from the General to the appropriate funds for expenditure.

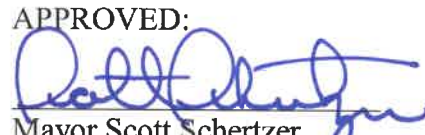
BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Auditor is hereby authorized to move the funds from general to the appropriated funds

Section 2. That this resolution shall take effect and be in forced from and after the earliest period allowed by law.



Todd Schneider
President of Council

APPROVED:


Mayor Scott Schertzer

ATTEST:



Tarina R. Rose
Clerk of Council

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RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2079-04 Passed 01/28 2019

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO APPLY TO THE MARION COUNTY COMMISSIONERS FOR MONIES DERIVED FROM THE AUTOMOBILE LICENSE TAX, AND DECLARING AN EMERGENCY

WHEREAS, the Marion County Commissioners passed a resolution on September 10, 1969 in the matter of the policy on distribution of the \$5.00 permissive auto tax monies, to wit: That no later than the first Monday in February of each year shall be a deadline for this Board to receive from the various cities and villages, County Engineer approved requests for their portion of said monies, after which the Board will examine, view and certify amounts available to each qualified applicant, so they may be eligible to draw their portion after they present a signed contract for improvement to be done, and

WHEREAS, Council, on September 23, 1968, passed Resolution No. 68-39 which stated that Council desired to finance certain improvements from funds allocated by the County Commissioners from the annual license tax of \$5.00.

BE IT RESOLVED by the City of Marion, Marion County, Ohio.

Section 1. That the Mayor is hereby directed to make the proper application to the Marion County Commissioners for the City's portion of the \$5.00 permissive auto tax monies to apply against the following listed project:

Resurfacing:

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1.	Plantation Dr.	Colonial Ave.	Keener Ave.
2.	Cheney Ave.	Barks Rd.	North Dead End
3.	Duluth Ave.	Bellefontaine Ave.	Prospect St.
4.	Superior St.	Prospect St.	Delaware Ave.
5.	Pearl St.	Prospect St.	Columbia St.
6.	Walnut St.	Delaware Ave.	Presidential Dr.
7.	Willow St.	Vine St.	Presidential Dr.
8.	Orchard St.	Columbia St.	Center St.
9.	Blaine Ave.	Church St.	Center St.
10.	Lee St.	Silver St.	W. Fairgrounds St.
11.	Thompson St.	Silver St.	Evans St.
12.	W. Fairgrounds St.	RR	RR
13.	Bartram St.	Silver St.	W. Fairgrounds St.
14.	Central Dr.	Roberts Ave.	Littleton St.
15.	Tyler St.	Adams St.	E. Fairgrounds St.
16.	Farming St.	N. Greenwood St.	Jefferson St.
17.	Brightwood Dr.	Vernon Heights Blvd.	Mt. Vernon Ave.
18.	Vernon Heights Blvd.	Bexley Dr.	Mt. Vernon Ave.
19.	Toulon Ave.	Normandy Dr.	Amboise Dr.
20.	Amboise Dr.	Loire Valley Dr.	Toulon Ave.
21.	Davids St.	Broad St.	Boulevard

Section 2. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to make application to the Marion County Commissioners by the first Monday in February, 2019 and as such shall take effect and be enforced immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-04

Passed 01/28/2019, 20

Approved:


Mayor Scott Schertzer


Todd Schneider
President of Council

Attest:


Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-05

Passed

01/28

20

19

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, ZONING, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE TERRITORY PROPOSED FOR ANNEXATION TO THE CITY, LOCATED EAST OF THE CITY OF MARION, CONTAINING 444.561 ACRES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion Planning and Zoning Code at § 1145.013 XII requires an owner of I-3 Mineral Extraction property to petition for the annexation of any contiguous real property owned by it or an affiliated entity to the City of Marion if such real property meets the statutory requirements for annexation under Chapter 709 of the Revised Code;

WHEREAS, pursuant to Ordinance No. 2018-25 passed on May 14, 2018, the Council of the City of Marion, Marion County, Ohio accepted The National Lime & Stone Company's petition for 224.257 acres and zoned such property I-3 Mineral Extraction;

WHEREAS, on January 10, 2019 Brian P. Barger, as the agent for The National Lime and Stone Company aka The National Lime & Stone Company, filed the application to annex the real property described and depicted on the attached Exhibit A into the City of Marion, Ohio;

WHEREAS, the territory proposed for annexation is adjacent and contiguous with the City of Marion, Ohio;

WHEREAS, a notice of filing of petition for annexation was provided to the Clerk of Marion City Council on January 10, 2019, as required pursuant to Ohio Revised Code Section 709.023(B);

WHEREAS, the provisions of Ohio Revised Code Section 709.023(C) require that the legislative authority of the municipal corporation to which annexation is proposed adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That upon annexation, the City of Marion will provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion, and such services will be appropriate and sufficient to the above described territory proposed for annexation.

Section 2. That if either Kenton Galion Road or Likens Road will be divided or segmented by the boundary line between Marion Township and the City of Marion as to create a road maintenance problem, the City of Marion has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3. That a portion of the territory proposed for annexation identified as Marion County Auditor Parcel Number 190020000800 and described on the attached Exhibit B becomes subject to the zoning of the City of Marion, Ohio and that the City of Marion Planning and Zoning Code does permit the intended use. Specifically, upon acceptance of the annexation petition, the City of Marion shall zone such portion of the territory proposed for annexation as I-3 Mineral Extraction for use as a limestone surface mining and associated processing operation under the City of Marion Planning and Zoning Code. The City recognizes that this petition is submitted in accordance with § 1145.013 XII of the City of Marion Planning and Zoning Code and that the remaining parcels in the territory proposed for annexation are either currently permitted for mineral extraction or constitute a lawful non-conforming use, thus no zoning of those parcels is required by the City.

Section 4. In compliance with Ohio Revised Code Section 709.023(C), the City of Marion's I-3 Mineral Extraction District requires a buffer area of 100 feet from any isolated residential dwelling; and the construction of earthen berms at least 8 feet

Resolution No. 2019-05 Passed 01/28/2019, 20

high with a 3:1 slope and vegetation to prevent erosion unless fencing or barrier structures have been agreed to by the surface mine operator.

Section 5. That the City of Marion hereby consents to the proposed annexation filed by Brian P. Barger for the above described territory proposed for annexation and further described and depicted on the attached Exhibit A.


Section 6. That this resolution is hereby to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for the further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted twenty (20) day time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved:


Todd Schneider, President of Council


Mayor Scott Schertzer

Attest:


Tarina Rose, Clerk of Council

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Resolution No. 2019-05 Passed 01/28/2019, 20

Exhibit A
[to be inserted]

Resolution No. 2019-05 Passed 01/28/2019, 2019

Exhibit B

The Land referred to herein below is situated in the County of Marion, State of Ohio, and is described as follows:

Being part of the Southwest Quarter of Section 3, Township 5 South, Range 15 East, and being part of a 74.998 acre tract of land now or formerly owned by Judith K. Kilbury, et al, O.R. 1067, Page 296, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an existing monument box located at the intersection of the centerline of County Road 167 (Likens Road) and South line of Section 3, with the centerline of State Route 4 (Marion-Bucyrus Road), said point being the Southwest corner of hereinafter described 50.818 acre tract;

Thence along the centerline of State Route 4, North 13 deg. 34 min. 15 sec. East for a distance of 1200.44 feet to a survey nail set;

Thence North 87 deg. 38 min. 10 sec. East for a distance of 562.14 feet to a 10 inch diameter wooden fence post found (passing over a 5/8 inch diameter iron pin found at distances of 31.20 feet and 552.14 feet);

Thence North 00 deg. 30 min. 15 sec. East for a distance of 175.02 feet to a 10 inch diameter wooden fence post found (passing over a 5/8 inch diameter iron pin found at a distance of 10.00 feet);

Thence along Grantor's North line, North 88 deg. 07 min. 28 sec. East for a distance of 1156.97 feet to a 5/8 inch diameter iron pin found at Grantor's Northeast corner;

Thence along Grantor's East line, South 00 deg. 51 min. 13 sec. East for a distance of 1,005.51 feet to a 5/8 inch diameter iron pin found;

Thence South 88 deg. 04 min. 55 sec. West for a distance of 487.64 feet to a 5/8 inch diameter iron pin found;

Thence South 00 deg. 23 min. 21 sec. East for a distance of 330.00 feet to a railroad spike found on the centerline of County Road 167 and South line of Section 3 (passing over a 5/8 inch diameter iron pin found at a distance of 299.99 feet);

Thence along the centerline of County Road 167 and said Section line, South 88 deg. 04 min. 55 sec. West for a distance of 1531.94 feet to a monument box found on the centerline of State Route 4 and the Place of Beginning.

Containing 50.818 acres, more or less. Subject to legal highways. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated November 18, 2009. All 5/8 inch diameter iron pins set have a plastic identity cap with the inscription "Fox P.S. 7000."

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Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-06 Passed 02-25-2019, 20

RESOLUTION TO APPROVE THE DELAWARE-KNOX-MARION-MORROW JOINT SOLID WASTE MANAGEMENT DISTRICT’S AMENDED DRAFT SOLID WASTE MANAGEMENT PLAN, AND DECLARING AN EMERGENCY

Summary/Background: The Plan is prepared in accordance with Ohio Revised Code ("ORC") Section 3734, the State of Ohio's Solid Waste Management Plan and the Ohio Environmental Protection Agency's guidelines. The Plan also describes strategies and programs that will be implemented to meet or exceed the minimum state waste reduction goals and objectives. The Delaware-Knox-Marion-Morrow Joint Solid Waste Management District ("District") completed the draft amended Solid Waste Management Plan ("Plan") and submitted it to the Ohio Environmental Protection Agency for review and comment on February 12, 2018 and the Ohio Environmental Protection Agency provided comments in a non-binding advisory opinion on March 29, 2018. The District's Policy Committee has reviewed the non-binding advisory opinion received from the Ohio Environmental Protection Agency and taken these comments into consideration and incorporated changes into the amended Plan as appropriate. The District has conducted a 30-day comment period from August 22, 2018 to September 20, 2018 and two public hearings were held on September 26, 2018 to provide the public an opportunity to comment on the Plan.

Budget Impact: The Plan provides for a fee schedule that generates the required revenue to cover the costs of implementing the strategies and programs designed to meet or exceed the minimum state waste reduction goals and objectives.

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED that the City of Marion, located within the jurisdiction of the Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, that:

Section 1. These Members hereby acknowledge receipt of the amended draft plan.

Section 2. The City of Marion approves the District Solid Waste Management Plan.

Section 3. The Clerk is hereby directed to send the District a copy of this resolution to the attention of Ms. Jenna Hicks, District Director, Delaware-Knox-Marion-Morrow Joint Solid Waste Management District, 117 E. High Street, Suite 257, Mount Vernon, Ohio 43050.

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Section 4. That it is found and determined that all formal actions of this council concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Section 5. That this resolution shall be in full force and effect immediately upon its adoption.



Todd Schneider
President of Council

Approved:



Mayor Scott Schertzer

Attest;



Clerk of Council

Resolution No.

2019-07

Passed

01/28

20

19

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, ZONING, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE TERRITORY PROPOSED FOR ANNEXATION TO THE CITY, LOCATED EAST OF THE CITY OF MARION, CONTAINING 70.309 ACRES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion requires that any property owner seeking City of Marion services and sanitary sewer service, that is located adjacent to, but outside the boundaries of the municipal corporation, to petition for annexation of the real property desired to be served by the City of Marion, if the real estate is contiguous to the City of Marion and if it meets the statutory requirements for annexation under Chapter 709 of the Revised Code; and

WHEREAS, Marion Development Inc., an Ohio corporation and Humble Robinson Group LLC, an Ohio limited liability company, desire to be served by the City of Marion and to access sanitary sewers provided by the City of Marion for the real estate owned by each, in total comprising 70.309 acres; and

WHEREAS, on January 10, 2019 Kevin R. Hall, as the agent for Marion Development Inc. and Humble Robinson Group LLC, filed the application to annex the real property described and depicted on the attached Exhibit A into the City of Marion, Ohio; and

WHEREAS, the territory proposed for annexation is adjacent and contiguous with the City of Marion, Ohio; and

WHEREAS, a notice of filing of petition for annexation was provided to the Clerk of Marion City Council on January 14, 2019, as required pursuant to Ohio Revised Code Section 709.023(B); and

WHEREAS, the provisions of Ohio Revised Code Section 709.023(C) require that the legislative authority of the municipal corporation to which annexation is proposed adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That upon annexation, the City of Marion will provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion, and such services will be appropriate and sufficient to the above described territory proposed for annexation.

Section 2. That if Victory Road will be divided or segmented by the boundary line between Marion Township and the City of Marion as to create a road maintenance problem, the City of Marion has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3. That a portion of the territory proposed for annexation identified as Marion County Auditor Parcel Numbers 20-001000.7001, 20-001000.7000, 20-01000.7100 and 20-001000.4100, and described on the attached Exhibit B becomes subject to the zoning of the City of Marion, Ohio and that the City of Marion Planning and Zoning Code does permit the intended use. Specifically, upon acceptance of the annexation petition, the City of Marion shall zone such portion of


Resolution No. 2019-07 Passed 01/28, 2019

the territory proposed for annexation as I-2 (General Industrial District) which is the currently consistent with the present zoning of the real estate as Industrial I-2 District in Marion Township; and

Section 4. That the City of Marion hereby consents to the proposed annexation filed by Kevin R. Hall for the above described territory proposed for annexation and further described and depicted on the attached Exhibit A.

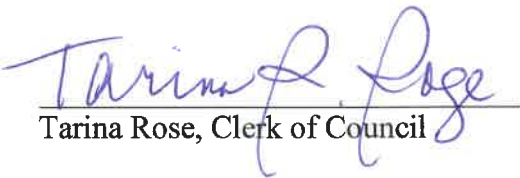
Section 5. That this resolution is hereby to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for the further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted twenty (20) day time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved:


Todd Schneider, President of Council


Mayor Scott Schertzer

Attest:

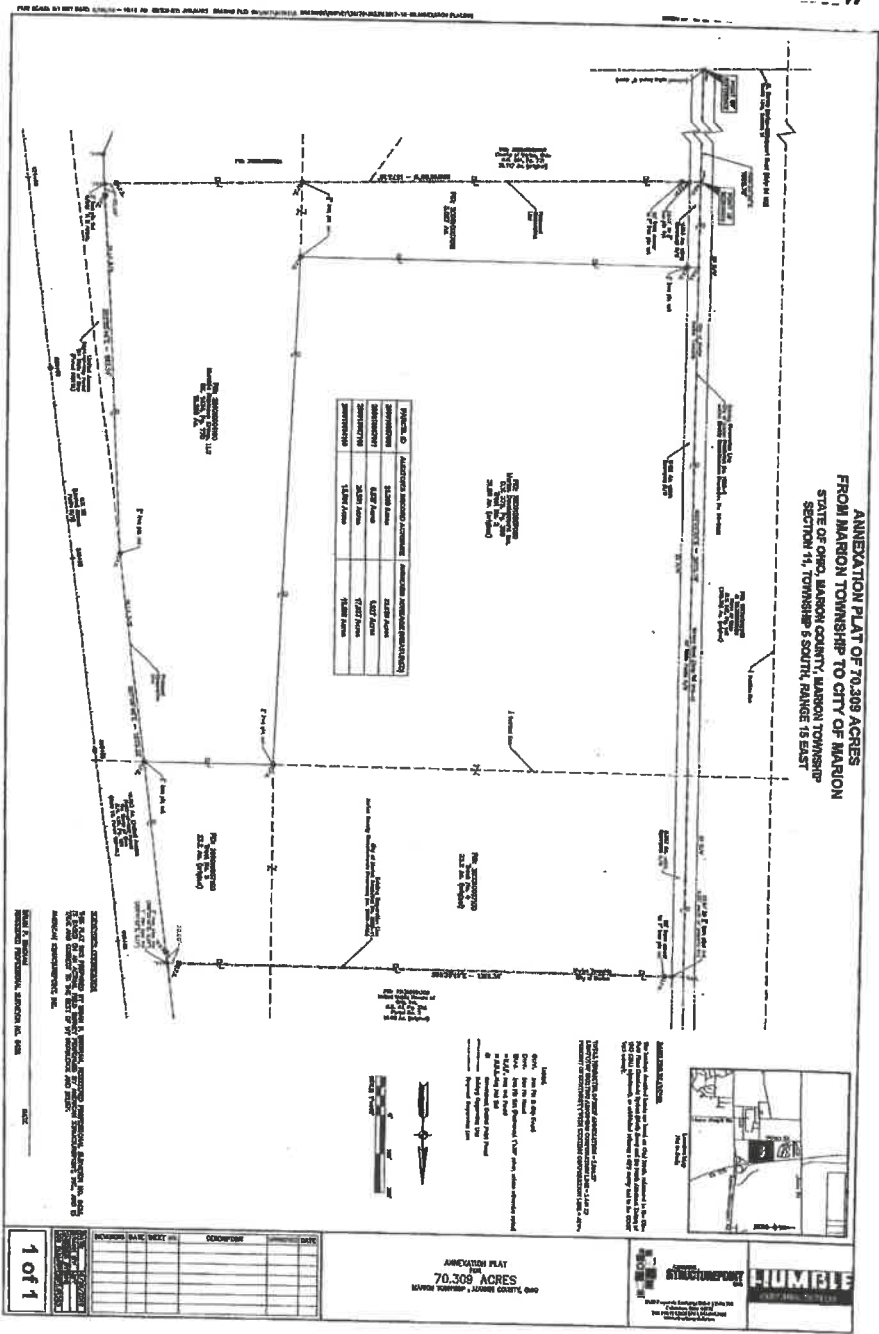

Tarina Rose, Clerk of Council

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Resolution No. 2019-07 Passed 01/28 2019

Exhibit A



Resolution No. 2019-07 Passed 01/28, 2019

Exhibit B

DESCRIPTION OF 70.309 ACRES

Situated in the State Ohio, County of Marion, Marion Township, being a part of the Southeast and Northeast Quarters of Section 11, Township 5 South, Range 15 East, being a part of that 31.20 acre parcel (Tract 2), that 23.2 acre parcel (Tract 4), and that 23.2 acre parcel (Tract 5), all as described in a deed to Marion Development Inc., of record in Deed Volume 375, Page 360, and being all of those 5.027 acre and 15.596 acre parcels, both as described in a deed to Humble Robinson Group, LLC, of record in Book 1434, Page 770, all records referenced herein are on file at the Office of the Recorder for Marion County, Ohio, and being further bounded and described as follows:

Commencing for reference at a railroad spike found 8 inches below the pavement at the intersection of the centerline of survey for Marion-Williamsport Road (County Road 162, variable width, being also the south line of said Section 11) and the centerline of right-of-way for Victory Road (County Road 215-A, 60 feet wide), said point being the southwest corner of that 32.717 acre tract described in a deed to County of Marion, Ohio, of record in Official Record 201, Page 771, and being the southeast corner of that 1,243.363 acre tract described in a deed to State of Ohio, of record in Deed Volume 281, Page 149;

Thence **North 00 degrees 20 minutes 35 seconds East**, along the centerline of right-of-way for said Victory Road, along the west line of said 32.717 acre tract, and along the east line of said 1,243.363 acre tract, (passing at a distance of 689.99 feet a railroad spike found 2 inches below the pavement), a total distance of **1,096.76 feet** to a MAG nail set at the northwest corner of said 32.717 acre tract, being the southwest corner of said 5.027 acre tract, and being the **TRUE POINT OF BEGINNING** for this description;

Thence **North 00 degrees 20 minutes 35 seconds East**, continuing along the centerline of right-of-way for said Victory Road, along the west line of said 5.027 acre tract, continuing along the east line of said 1,243.363 acre tract, along the west line of said Tract 2 and the west line of said Tract 4, (passing at a distance of 223.04 feet a MAG nail set at the northwest corner of said 5.027 acre tract, being the southwest corner of said Tract 2), a total distance of **2,072.78 feet** to a MAG nail set at the southwest corner of that 10.00 acre tract described in a deed to United Mobile Homes of Ohio, Inc., of record in Official Record 65, Page 335;

Thence across said Tract 4, and said Tract 5 along the following two (2) described courses:

1. **South 89 degrees 35 minutes 49 seconds East**, along the south line of said 10.00 acre tract, (passing at a distance of 29.84 feet a 1/2 inch iron pipe found 1 inch below ground and 0.32 feet offline to the south, passing at a distance of 50.00 feet an iron pin set on line, and passing at a distance of 1,346.34 feet an iron pin set on line), a total distance of **1,376.34 feet** to the southeast corner of said 10.00 acre tract, being on the west limited access right-of-way line for United States Route 23 (variable width), as established by Parcel 117-WL (MAR-23-10.63), of record in Deed Volume 435, Page 196, (reference a ½ inch iron pipe found South 89 degrees 35 minutes 46 seconds East at a distance of 0.07 feet and a 1 inch iron pipe found with a “R B Assoc” cap North 00 degrees 41 minutes 02 seconds East at a distance of 0.17 feet);
2. **South 07 degrees 09 minutes 48 seconds East**, along said limited access right-of-way line, (passing at a distance of 30.00 feet a 1 inch iron pin set on line, passing at a distance of 529.55 feet a 5/8 inch iron pin set at the northeast corner of said 15.596

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acre tract), a total distance of **1,073.35 feet** to a 5/8 inch iron pin set at an angle point;
Thence **South 02 degrees 55 minutes 44 seconds East**, along the limited access right-of-way line as established by Parcel 1001-WL (MAR-23-12.17), and along the east line of said 15.596 acre tract, (passing at a distance of 935.54 feet an iron pin set on line), a total distance of **965.54 feet** to a 5/8 inch iron pin found 3 inches above the ground with a “R B Assoc” cap at the southeast corner of said 15.596 acre tract, being the northeast corner of said 32.717 acre tract;

Thence **South 88 degrees 46 minutes 05 seconds West**, along the south line of said 15.596 acre tract, and along the north line of said 32.717 acre tract, (passing at a distance of 30.00 feet an iron pin set on line, passing at a distance of 521.92 feet an iron pin set at the southwest corner of said 15.596 acre tract, being the southeast corner of said 5.027 acre tract, passing at a distance of 1,522.26 feet an iron pin set on line, and passing at a distance of 1,542.31 feet a 5/8 inch iron pin found on line), a total distance of **1,572.26 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total of **70.309 acres** (including 1.427 acres within the present road occupied of Victory Road), of which:

- 5.027 acres (including 0.153 acres within the present road occupied of Victory Road) within Marion County Auditor’s parcel number 200010007001,
- 32.659 acres (including 0.911 acres within the present road occupied of Victory Road) within Marion County Auditor’s parcel number 200010007000,
- 17.027 acres (including 0.363 acres within the present road occupied of Victory Road) within Marion County Auditor’s parcel number 200010007100,
- And 15.596 acres within Marion County Auditor’s parcel number 200010004100.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (North Zone) and the North America Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey tied to the Ohio Department of Transportation VRS Network.

Iron pins referenced as set are 1 inch diameter by 30 inch long rebar, unless noted as 5/8 inch iron pin set, which are 5/8 inch diameter by 30 inch long rebar with caps inscribed “ASI PS-8438”.

The above description was prepared by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises, and is true and correct to the best of my knowledge and belief.

American Structurepoint, Inc.
Brian P. Bingham Date
Registered Professional Surveyor No. 8438

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc. Form No. 30045

Resolution No. _____ Passed _____, 20____

Resolution No. 2019-08 Passed 01/20 2019

RESOLUTION WHEREBY THE CITY OF MARION AGREES TO PROVIDE FIRE PROTECTION, ZONING, POLICE PROTECTION, STREET MAINTENANCE AND ALL OTHER ORDINARY CITY SERVICES PROVIDED WITHIN THE BOUNDARIES OF THE CITY OF MARION, TO THE TERRITORY PROPOSED FOR ANNEXATION TO THE CITY, LOCATED SOUTH OF THE CITY OF MARION, CONTAINING 16.548 ACRES, AND DECLARING AN EMERGENCY

WHEREAS, the City of Marion requires that any property owner seeking sanitary sewer service to the City of Marion, that is located adjacent to but outside the boundaries of the municipal corporation, to petition for annexation of the real property desired to be served by the City of Marion, if the real estate is contiguous to the City of Marion and if it meets the statutory requirements for annexation under Chapter 709 of the Revised Code; and

WHEREAS, Riffle Creek LLC, executed an agreement with the City of Marion, seeking sanitary sewer service, and as condition of the providing that service, Riffle Creek LLC was required to commence a petition for annexation of its 16.548 acres of real estate; and

WHEREAS, on January 10, 2019 Kevin R. Hall, as the agent for Riffle Creek LLC, filed the application to annex the real property described and depicted on the attached Exhibit A into the City of Marion, Ohio; and

WHEREAS, the territory proposed for annexation is adjacent and contiguous with the City of Marion, Ohio; and

WHEREAS, a notice of filing of petition for annexation was provided to the Clerk of Marion City Council on January 14, 2019, as required pursuant to Ohio Revised Code Section 709.023(B); and

WHEREAS, the provisions of Ohio Revised Code Section 709.023(C) require that the legislative authority of the municipal corporation to which annexation is proposed adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation; and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That upon annexation, the City of Marion will provide fire protection, zoning, police protection, street maintenance, emergency services, engineering services, sewer, sanitation, and all other ordinary and necessary city services provided within the boundaries of the City of Marion, and such services will be appropriate and sufficient to the above described territory proposed for annexation.

Section 2. That if Barks Road East will be divided or segmented by the boundary line between Marion Township and the City of Marion as to create a road maintenance problem, the City of Marion has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

Section 3. That a portion of the territory proposed for annexation identified as Marion County Auditor Parcel Number 18-010000.7000 and described on the attached Exhibit B becomes subject to the zoning of the City of Marion, Ohio and that the City of Marion Planning and Zoning Code does permit the intended use. Specifically, upon acceptance of the annexation petition, the City of Marion shall zone such portion of the territory proposed for annexation as R-1A (Residential) which is the currently consistent with the present zoning of the real estate as

RECORD OF RESOLUTIONS

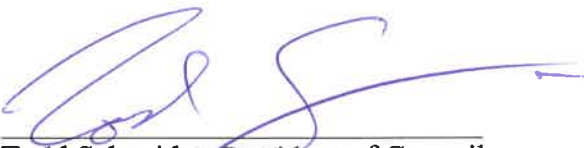
Resolution No. 2019-08 Passed 01/28, 2019

Residential in Marion Township; except that the real estate shall be exempt from Marion City Ordinance 618.12 (Noisome, Filthy or Offensive Animals), only to the extent that the real estate comprising Parcel Number 18-010000.7000 shall be permitted to have, keep, maintain, and possess horses on the real estate along with the appropriate enclosures for such animals as presently permitted under the Marion Township Zoning Resolution.

Section 4. That the City of Marion hereby consents to the proposed annexation filed by Kevin R. Hall for the above described territory proposed for annexation and further described and depicted on the attached Exhibit A.


Section 5. That this resolution is hereby to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that it is necessary for the daily operation of the City; and for the further reason that the Ohio Revised Code mandates that the City of Marion shall act within the allotted twenty (20) day time limit; and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall become effective from and after the earliest period allowed by law.

Approved:


Todd Schneider, President of Council


Mayor Scott Schertzer

Attest:


Tarina Rose, Clerk of Council

[illegible]

Resolution No. 2019-08 Passed 01/28, 2019

Exhibit B

Being part of the Southeast Quarter of Section 35, Township 5 South, Range 15 East, and being the same 16.548 acre tract of land, now or formerly owned by Riffle Creek LLC, O.R. 992, Page 908, Marion Township, Marion County, State of Ohio and being more particularly described as follows:

Beginning at an iron bolt found over an existing 5/8 inch dia. iron pin at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 35, said point being on the centerline of County Road 138 (Barks Road East) and East-West Half Section Line of Section 35 and South Corporation Line of the City of Marion, said point being the Northwest corner of hereinafter described 16.548 acre tract;

Thence along the East Line of the Northwest Quarter of the Southeast Quarter of Section 35, **South 00 deg. 11 min. 00 sec. East** for a distance of **1319.08 feet** to a 1 inch dia. iron pin set at the Southeast corner of the Northwest Quarter of the Southeast Quarter of Section 35 (passing over a 1 inch dia. iron pin set at a distance of 30.00 feet);

Thence along the South Line of the Northwest Quarter of the Southeast Quarter of Section 35, **South 89 deg. 11 min. 00 sec. West** for a distance of **552.30 feet** to a 1 inch dia. iron pin set;

Thence **North 00 deg. 17 min. 32 sec. East** for a distance of **1317.83 feet** to a railroad spike found on the centerline of County Road 138 and East-West Half Section Line of Section 35 and South Corporation Line of the City of Marion (passing over a 1 inch dia. iron pin set at a distance of 1287.83 feet);

Thence along said centerline, Half Section Line and Corporation Line, **North 89 deg. 02 min. 00 sec. East** for a distance of **541.38 feet** to an iron bolt found over an existing 5/8 inch dia. iron pin and the place of beginning.

Containing **16.548 acres**, more or less, and subject to legal highways, easements, restrictions and agreements of record. This description prepared from a survey performed by Steven A. Fox, Registered Professional Surveyor 7000, and dated May 9, 2017. All 1 inch dia. iron pins set are 30 inches long.

Prior Deed, O.R. 992, Page 908
Basis of bearing, Survey by T. L. Boblenz, dated 03/28/1989, centerline C.R. 138, North 89 deg. 02 min. 00 sec. East

Premises also known as: 971 East Barks Road, Marion, Ohio 43302
Permanent Parcel No.: 18-010000.7000

Resolution No. 2019-09 Passed 02/11, 2019

PID No. 106085
Project No. MAR 739-3.6 (2019)

FINAL RESOLUTION ENACTED BY THE CITY OF MARION, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY

WHEREAS, on the 13th day of November, 2018, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing SR 739, lying within the City of Marion; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid and State funds, including Toll Revenue Credit, set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, US Department of Transportation.

The Share of the cost of the LPA is now estimated in the amount of **Zero and ---- 00/100 dollars, (\$0.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to the legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

- I. That the estimated sum of **Zero and ---- 00/100 dollars, (\$0.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense and said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby request the Director of Transportation to proceed with the aforesaid highway improvement.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-09Passed 02/11, 20 19

III. That the LPA enter into a contract with the State, and the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above the improving the described project.

IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

V. This Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety and furthermore, that this Resolution needs to returned to the Director of Transportation by February 19, 2019. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 11th day of February, 2019, and that the same is true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 21, at Page 0391, and under the date of 02/11, 2019.


Todd Schneider
President of Council

Approved:


Mayor Scott Schertzer

Attest:


Clerk of Council

Resolution No. 2019-10 Passed 04/08, 2019

RESOLUTION DECLARING THE CITY OF MARION'S SUPPORT FOR THE MARIONMADE! PROGRAM, WHICH EXCLAIMS THAT WE PROUDLY STAND TOGETHER IN SUPPORT OF OUR VIBRANT COMMUNITY, AND DECLARING AN EMERGENCY

WHEREAS, a request has been made upon the Council for the City of Marion to endorse the MarionMade! program, and

WHEREAS, the City of Marion, Ohio, is proud of its heritage as a place that has made some of the world's best products – from giant power shovels to modern clothes dryers,

WHEREAS, Marion is proud to make people, places, products, and programs that showcase our community as a place where people want to live, work, play, and visit,

WHEREAS, the Council for the City of Marion fully endorses the MarionMade! program, which exclaims that we proudly stand together in support of our vibrant community,

WHEREAS, MarionMade! recognizes our amazing past, but is focuses on the present and future,

AND WHEREAS, MarionMade! spreads the news that Marion is a rebounded, reinvented, and vibrant community.

BE IT ORDAINED, by the Council of the City of Marion, Marion County, Ohio:

SECTION 1. The Marion City Council endorses the use of the MarionMade! Logo; the use of the slogan, "Proud of our People, Places, Products, and Programs"; and use of the tagline, "We Are."

SECTION 2. The Marion City Council encourages all Marion City Offices and all City citizens to actively use the logo, slogan, and tagline to identify and promote Marion as a unified, vibrant community.

SECTION 3. The Marion City Council supports and endorses the efforts of Marion Community Foundation to sponsor the MarionMade! program and wish the program continued success.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.



Todd Schneider
President of Council

APPROVED:



Mayor Scott Schertzer

ATTEST:



Tarina R. Rose
Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-11

Passed 04/08

20 19

RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT (018-20) FOR ROAD SALT, AND DECLARING AN EMERGENCY

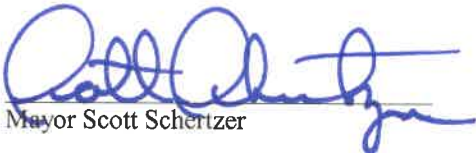
WHEREAS, the City of Marion, Marion, Ohio (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid (018-20) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 19, 2019. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 1. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that the deadline for ODOT is April 19, 2019, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; it shall become effective from and after the earliest period allowed by law.

Approved:


Mayor Scott Schertzer


Todd Schneider
President of Council

Attest:


Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

Resolution No. 2019-12

Passed 05/13, 2019

PID No. 106085
Project No. MAR-S. Greenwood St.

FINAL RESOLUTION ENACTED BY THE CITY OF MARION, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT AND DECLARING AN EMERGENCY

WHEREAS, on the 11th day of February 2019, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of the stabilization and closure of a stone arch bridge on South Greenwood Street located between Presidential Drive and Mt. Vernon Avenue, including pavement resurfacing and sidewalk replacement, lying within the City of Marion; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal, set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, US Department of Transportation.

The Share of the cost of the LPA is now estimated in the amount of **Thirteen Thousand Two Hundred Fifty-Five and ---- 00/100 dollars, (\$13,255.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to the legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

I. That the estimated sum of **Thirteen Thousand Two Hundred Fifty-Five and ---- 00/100 dollars, (\$13,255.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense and said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-12Passed 05/13, 2019

II. That the LPA hereby request the Director of Transportation to proceed with the aforesaid highway improvement.

III. That the LPA enter into a contract with the State, and the **Mayor** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above the improving the described project.


IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

V. This Resolution is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety and furthermore, that this Resolution needs to be returned to the Director of Transportation such that the project can be bid on May 23rd, 2019. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.


This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the 13th day of May, 2019, and that the same is true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume 21, at Page 0399, and under the date of May 13, 2019.

Approved:


Todd Schneider
President of Council
Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF RESOLUTIONS

0405

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-13

Passed 06/10

, 20 19

RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE CITY OF MARION, OHIO FOR THE YEAR 2020, AND DECLARING AN EMERGENCY

WHEREAS, the annual tax budget of the City of Marion for the year 2020 has been heretofore prepared, and

WHEREAS, public notice has been given by publication of the notice of public hearing thereon for at least (10) days prior to the date of such public hearing, and

WHEREAS, such public hearing has been properly held on said budget and no objections or exceptions thereto have been made or presented to the officials of the City

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. That the tax budget of the City of Marion, Ohio for the year 2020 be and the same is hereby approved and adopted.

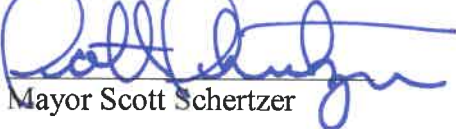
Section 2. That the Clerk of Council of the City of Marion be and she is hereby authorized, employed and directed to submit a duly certified copy thereof to the County Auditor of Marion County, Ohio as provided by law.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for further reason that said budget must be filed with the County Auditor by July 20, 2019; and as such emergency, shall take effect and be in force immediately upon the passage and approval by the Mayor provided it received the affirmative vote of two-thirds of all members elected to Council; otherwise, it shall be effective from and after the earliest period allowed by law.



Todd Schneider
President of Council

APPROVED.



Mayor Scott Schertzer

ATTEST:



Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

0401

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-14

Passed 06/10, 2019

**RESOLUTION EXPRESSING OPPOSITION OF HB 163
AND URGING THE OHIO LEGISLATURE TO DEFEAT THE
PROPOSAL WHICH WILL NEGATIVELY IMPACT
ECONOMIC DEVELOPMENT IN THROUGHOUT THE
STATE OF OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, the State legislature has pending HB 163 which proposes to preempt a municipality's ability to charge for building out and maintaining water and sewer services to neighboring political subdivisions. If passed the law would allow the state to withhold Local Government Funds (LGF) as well as state water and sewer assistance from municipalities that charge what they deem a fair and reasonable rate for water and sewer services. The Bill will be up for opponent testimony in the House Public Utilities Committee.

WHEREAS, the City Administration and Council for the City of Marion, Ohio urge the legislators to defeat this proposal as it is clear passage will have a direct and detrimental effect on economic development, loss of jobs and negatively impact Ohioans,

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

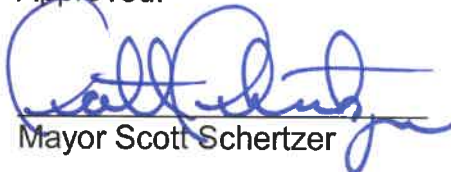
SECTION 1. Marion City Council urges the legislators to defeat pending HB 163 as it is clear if passed it will have a direct and detrimental effect on economic development, loss of jobs and negatively impact Ohioans,

SECTION 2. That this resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this resolution is required to be immediately effective in order for the General Assembly to enact budget legislation by June 30, 2011; and as such, shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to council; otherwise it shall become effective from and after the earliest period allowed by law.



Todd Schneider
President of Council

Approved:


Mayor Scott Schertzer

Attest:


Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed 08/12

2019

ACCEPTING THE PETITION OF THE BRICKYARD ON MAIN, LLC FOR SPECIAL ASSESSMENTS FOR VARIOUS SPECIAL ENERGY IMPROVEMENT PROJECTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; DECLARING THE NECESSITY OF PROCEEDING WITH THE SPECIAL ENERGY IMPROVEMENT PROJECTS AND APPROVING THE PLANS AND SPECIFICATIONS THEREFOR; STATING THE METHOD FOR MAKING THE SPECIAL ASSESSMENTS AGAINST THE BENEFITTED PROPERTIES AND THE AMOUNT OF SUCH SPECIAL ASSESSMENTS; AND DECLARING AN EMERGENCY.

SUMMARY & BACKGROUND:

The City of Marion created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Marion, Ohio Energy Special Improvement District, Inc. (“Marion ESID”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments.

The Brickyard on Main, LLC (the “Petitioner”) is the owner of 100% of the property described on Exhibit A attached hereto (the “Properties”). The Petitioner has executed an Energy Project Agreement (the “Agreement”) with the Northwest Ohio Advanced Energy Improvement District (“NW Ohio ESID”) and the Marion ESID. A copy of the Agreement is attached to the Petition as Exhibit C.

Pursuant to the Agreement, and upon Application to the Marion ESID for membership and financing of special energy improvement projects to the Properties, the Marion ESID, the NW Ohio ESID, and the Petitioner have caused an energy audit to the property to be completed.

The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Revised Code Section 1710.01(K), which the Petitioner has determined to proceed with implementation, and to pay by way of special assessments.

The Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the addition certain of its property to the District and (ii) approval of an amendment to the District’s comprehensive plan for special energy improvement projects to include The Brickyard on Main Special Energy Improvement Project (the “Project”) and requesting that those Projects be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner specially benefited thereby.

A complete list and description of the Project is on file with the Clerk of Marion City Council and is attached as Exhibit B to this Resolution. Exhibit B provides the following information for the Project:

RECORD OF RESOLUTIONS

Resolution No. 2019-15 Passed 08/12, 2019

- 1. Identification of the parcels numbers and name of the property/building to be improved;
- 2. A description of the nature of the special energy improvement projects for the particular parcels;
- 3. The estimated amount of the special assessment to be levied against each parcel of property and the number of years the special assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing resolution.

The total dollar cost of the Project, capitalized interest on the Port Authority’s revenue bonds, reserve fund for the Port Authority’s bonds, the cost of issuance of the Port Authority’s revenue bonds, or the associated costs of issuance of the NW Ohio ESID’s bond fund (collectively, the “Project Cost”), is estimated to be One Hundred Eighty-Three Thousand Two Hundred Seventy-Eight Dollars and Seventy-Nine Cents (\$183,278.79). Each semi-annual payment represents the payment of a portion of the principal of and interest on the Port Authority’s revenue bonds and the scheduled amounts payable as the Port Authority administrative fee, and the Port authority program administration fee due with respect to each semi-annual payment. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

The Port Authority, NW Ohio ESID, and the Marion ESID will fund the cost of the Project through either the issuance of bonds or the revolving loan fund. Ultimately, the loan will be repaid over time from the amounts the Petitioner pays as special assessments. The Petitioner, in turn, is expected to be able to pay the special assessments from the energy savings estimated to be achieved as a result of the Project.

The annual special assessments for the Project are to be paid in semi-annual payments over fourteen (14) years. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner’s Petition also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Marion City Charter and the Marion Municipal Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects.

This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. This resolution accepts and approves the Petition from the Petitioner, to begin that special assessment process, and is accompanied by an ordinance to proceed with the Petitioner. When the Project is complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15 Passed 08/12 2019

NOW, THEREFORE, be it resolved by the Council of the City of Marion:

SECTION 1. That this Council accepts and approves the Petition of the Petitioner for the Project described herein and in Exhibit B to this Resolution, which is on file with the Clerk of Council. All of the findings and determinations contained in the preceding Summary and Background section are incorporated herein and adopted as substantive findings and determinations of this Council.

SECTION 2. That this Council (i) accepts and confirms the inclusion of the properties listed in Exhibit A in the District, which, pursuant to Chapter 1710 of the Ohio Revised Code, is governed by the Marion ESID, and (ii) declares the necessity of the acquisition, installation and construction of the Project, which shall be constructed on the properties of the Petitioner identified in Exhibit A.

SECTION 3. That this Council hereby confirms its approval of the plan for the District, including (and as supplemented and amended by and to include) the plans for the Project, and the Marion ESID is authorized and directed to cause the Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plan for the District, including (and as supplemented and amended by and to include) the plans for the Project.

SECTION 4. That the plans, specifications, estimates of costs, and profiles of the proposed Project identified in Exhibit B on file with the Clerk of Council and open to inspection are hereby approved, and the Project shall be acquired, installed and constructed in accordance with those plans and specifications.

SECTION 5. That this Council hereby finds and determines that (i) the Project is conducive to the public health, convenience and welfare of the City and its inhabitants and (ii) the properties of the Petitioner, identified in Exhibit A are specially benefited by those Projects.

SECTION 6. This Council hereby accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the Marion City Charter and the Marion Municipal Code, and consents to the immediate imposition of the special assessments upon the properties as identified in Exhibit A. This waiver encompasses but is not limited to waivers of the following rights under the Revised Sections referred to below:

- The right to notice of the adoption of the Resolution of Necessity under Sections 727.13 and 727.14;
- The right to limit the amount of the special assessment under Sections 727.03 and 727.06;
- The right to file an objection to the special assessment under Section 727.15;
- The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17;
- The right to file any claim for damages under Sections 727.18 through 727.22 and Section 727.43;
- The right to notice that bids or quotations for Project may exceed estimates by 15%;

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15 Passed 08/12, 20 19

- The right to seek a deferral of payments of special assessments under Section 727.251; and
- The right to notice of the passage of the assessing ordinance under Section 727.26.
- Any and all procedural defects, errors or omissions in the special assessment process.

SECTION 7. That the total cost of the Project shall be assessed against the properties of the Petitioner identified in Exhibit A in proportion to the benefits resulting from the Project.

SECTION 8. That the total cost of the Project shall include any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, survey, testing and inspection costs, the amount of any damages resulting from those Projects and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing and otherwise acquiring any real estate or interests therein, expenses of legal services, costs of labor and material, trustee fees and other financing costs incurred in connection with the issuance, sale and servicing of securities issued by the Port Authority to provide a loan to the Marion ESID to pay costs of those Projects in anticipation of its receipt of the special assessments, capitalized interest on, and financing reserve funds for, such securities issued by the Port Authority, the administrative fee, together with all other necessary expenditures.

SECTION 9. That the estimated assessments heretofore prepared and now on file with the Clerk of Council and amounting in the aggregate to \$259,193.18 be and are hereby adopted. The special assessments to be levied shall be paid according to the following schedule: in fourteen (14) annual (twenty-eight [28] semi-annual) installments, with interest thereon at the same rate or rates as shall be borne by the securities to be issued by the Port Authority and loaned to the Marion ESID for the Project in anticipation of its receipt of the special assessments. Each semi-annual payment represents the payment of a portion of the principal of and interest on the NW Ohio ESID’s Bond Fund, the administrative fee, and the trustee fee due with respect to each semi-annual payment. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee, which if imposed, will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

SECTION 10. That the City does not intend to issue its own securities in anticipation of the levy or collection of the special assessments for the Project, which instead shall be paid for initially from proceeds of the securities issued by the Port Authority for that purpose, and repaid through the special assessment process described herein.

SECTION 11. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council or any of its Committees that resulted in such formal actions were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Revised Code.

SECTION 12. That this Resolution is declared to be an emergency measure and shall take effect and be in force from and after its adoption. The reason for the emergency lies in the fact that this Resolution is necessary for the immediate preservation of the public peace, health, safety and property; and for

RECORD OF RESOLUTIONS

0411

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15

Passed 08/12, 2019

the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City, and undertake construction of necessary public improvements, as well as, provide and enable the timely levying, certification and collection of the special assessments for the Project.



Todd Schneider
President of Council

Approved:


Mayor Scott Schertzer

Attest;


Clerk of Council

Resolution No. 2019-15 Passed 08/12, 2019

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Situated in the City of Marion, County of Marion and State of Ohio, and more particularly described as follows:

Being 37.00 feet off of the North side of Lot Number 79 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

Also, the following described premises, situated in the City of Marion, County of Marion and State of Ohio, and known as being part of Inlot No. 79, Old Plat, Marion, Ohio;

Beginning at a point in the East line of said Lot 79, 29.00 feet North from the Southeast corner of said Lot;

Thence West 40.00 feet, parallel with the South line of said Lot;

Thence South 6 inches, parallel with the East line of said Lot;

Thence East 40.00 feet, parallel with the South line of said lot to the East line of said lot;

Thence North on said East line of said lot 6 inches to the place of beginning.

TOGETHER WITH the wall thereon to be held in common with the premises adjacent thereto on the South.

Also being 16.5 feet off the entire South side of Lot Number 80 as marked on the Original Plat of the Town, now City, of Marion, Ohio.

135 S. Main Street Marion, Ohio

PPN: 123010001800 (part of Lot 79)

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15 Passed 08/12, 2019

EXHIBIT B
Project Plan for The Brickyard on Main, LLC

The real property owned by The Brickyard on Main, LLC, the legal description of the property is set forth on the attached Exhibit A, will be subject to special assessments for energy improvements in accordance with Revised Code Chapter 1710.

The Project is expected to consist of the following energy efficiency elements:

- 1. Roofing
- 2. HVAC
- 3. Hot Water Tank
- 4. Windows
- 5. LED Lighting

Total project cost: \$154,000.00
Total cost including financing and other charges: \$183,278.79
Total direct loan payments to be collected: \$4,311.99
Total assessment payments to be collected: \$259,193.18
Estimated Annual assessment payment: \$18,513.80
Estimated semi-annual special assessments for 14 years*: \$9,256.90
Number of semi-annual installments: 28
First annual installment due: January 31, 2020
**Note: Marion County will add 1.5% processing charge to the annual assessment amount.*

County Taxable Year	Total Annual Assessment Parcel 12-301000-1800	Year Payments Are Due	1st Half (Due 1/31)	2nd Half (Due 7/31)
2019	\$18,513.80	2020	\$9,256.90	\$9,256.90
2020	\$18,513.80	2021	\$9,256.90	\$9,256.90
2021	\$18,513.80	2022	\$9,256.90	\$9,256.90
2022	\$18,513.80	2023	\$9,256.90	\$9,256.90
2023	\$18,513.80	2024	\$9,256.90	\$9,256.90
2024	\$18,513.80	2025	\$9,256.90	\$9,256.90
2025	\$18,513.80	2026	\$9,256.90	\$9,256.90
2026	\$18,513.80	2027	\$9,256.90	\$9,256.90
2027	\$18,513.80	2028	\$9,256.90	\$9,256.90
2028	\$18,513.80	2029	\$9,256.90	\$9,256.90
2029	\$18,513.80	2030	\$9,256.90	\$9,256.90
2030	\$18,513.80	2031	\$9,256.90	\$9,256.90
2031	\$18,513.80	2032	\$9,256.90	\$9,256.90
2032	\$18,513.80	2033	\$9,256.90	\$9,256.90
Total Assessment	\$259,193.18			

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Marion County Fiscal Officer under certain conditions. The County Fiscal Officer of Marion County, Ohio may impose a special assessment collection fee with respect to each Semiannual Assessment payment. If imposed, this special assessment collection fee will be added by the County Fiscal Officer of Marion County, Ohio to each Semiannual Assessment payment.

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-15 Passed 08/12, 2019

EXHIBIT C

ENERGY PROJECT AGREEMENT

(See Attached)

Resolution No. 2019-15A Passed 07/22 2019

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2020 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311, FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these projects, and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. That the Mayor is authorized to execute and file an application on behalf of the City of Marion with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 USC Section 5311, the Ohio Public Transportation Grant Program, and the Ohio Elderly and Disabled Transit Fare Assistance Program.

SECTION 2. That the Mayor is authorized to execute and file with such applications and assurance or any other documents required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

SECTION 3. That the Mayor is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the application for the program of projects submitted to FTA.

SECTION 4. That the Mayor is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.

SECTION 5. That the Mayor is authorized to execute grant agreements on behalf of the City of Marion with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force

R2017-15

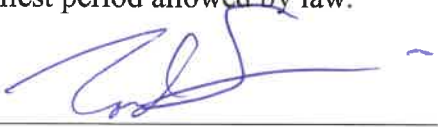
RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-16A Passed 07/22, 2019

immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

Approved:



Todd Schneider
President of Council



Mayor Scott Schertzer

Attest;



Clerk of Council

RECORD OF RESOLUTIONS

0421

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-168

Passed

09/09

20

19

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FY 2020 GRANTS, THROUGH THE US DOT FEDERAL TRANSIT ADMINISTRATION, AS AUTHORIZED UNDER FEDERAL TRANSIT LAWS, AS CODIFIED, 49 USC SECTION 5311 AND 49 USC SECTION 5339. FINANCIAL ASSISTANCE FOR OTHER THAN URBANIZED AREAS AND FUNDS AVAILABLE FROM THE OHIO PUBLIC TRANSPORTATION GRANT PROGRAM AND OHIO ELDERLY AND DISABLED TRANSIT FARE ASSISTANCE PROGRAM AND EXECUTING A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION UPON GRANT APPLICATION APPROVAL, AND DECLARING AN EMERGENCY, *AS AMENDED ABOVE*

WHEREAS, the Director of the Ohio Department of Transportation is authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program;

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Sections 5311 and 5339 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprise be used to the fullest extent possible in connection with this/these projects, and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

SECTION 1. That the Mayor is authorized to execute and file an application on behalf of the City of Marion with the Ohio Department of Transportation to aid in the financing of capital and operating assistance projects pursuant to 49 USC Sections 5311 and 5339, the Ohio Public Transportation Grant Program, and the Ohio Elderly and Disabled Transit Fare Assistance Program.

SECTION 2. That the Mayor is authorized to execute and file with such applications and assurance or any other documents required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

SECTION 3. That the Mayor is authorized to furnish such additional information as the Ohio Department of Transportation may require in connection with the application for the program of projects submitted to FTA.

SECTION 4. That the Mayor is authorized to set forth and execute affirmative disadvantaged business policies in connection to any procurement made as part of the project.


SECTION 5. That the Mayor is authorized to execute grant agreements on behalf of the City of Marion with the Ohio Department of Transportation for aid in the financing of operating and capital assistance projects.

SECTION 6. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety of the City of Marion and the inhabitants thereof, and as such shall take effect and be in force immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council; otherwise it shall become effective from and after the earliest period allowed by law.

Approved:



Mayor Scott Schertzer



Todd Schneider
President of Council

Attest;



Clerk of Council

R2017-15

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

0423

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2019-17 Passed 09/09 2019

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a budget for the next succeeding fiscal year commencing January 1, 2020, and

Whereas, the Budget Commission of Marion County, Ohio has certified its action thereon to this Council, together with an estimate by the County Auditor of the rate of each tax necessary to be levied within the ten mill limitation, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio that the amount and rate as determined by the Budget Commission on its certification be, and the same are hereby accepted, and


BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within the ten mill limitation and without the ten mil limitation as follows:



SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES.

NAME OF FUND	AMT. TO BE DERIVED FROM LEVIES OUTSIDE THE 10 MILL LIMITATIONS	AMT. APPROVED BY THE BUDGET COMMISSION INSIDE THE 10 MILL LIMITATION	COUNTY AUDITORS ESTIMATE OF TAX RATE TO BE LEVIED		
General					
Police		110,699	.30		
Fire		110,699	.30		
Marion City SD D12		1,150,207	3.60		
Elgin SD D13		1,328	2.60		
Pleasant SD D14		31,678	.90		
River Valley SD D15		16,959	2.70		
Ridgedale SD D41		5,462	1.40		
District 44 Annex		135	1.10		
District 45 Annex		2,363	1.55		
District 46 Annex		209	1.50		

BE IT FURTHER RESOLVED that the Clerk of this Council be and she is hereby directed to certify a copy of this resolution to the County Auditor of said County.

Section 1. That this resolution shall take effect and be in force from and after the earliest period allowed by law.


Todd Schneider, President of Council

APPROVED:

Mayor Scott Schertzer

Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No.

2019-18

Passed

10/28/2019

20

RESOLUTION APPROVING AND AUTHORIZING ALL ACTIONS
NECESSARY TO CREATE A LINE ITEM WITHIN THE
DEPARTMENT OF POLICE FOR THE CITY OF MARION, OHIO

WHEREAS, a proposal has been made by a Councilperson to enable the reimbursement of approved expenditures for members of the CPAAA, and

BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1. The Council hereby approves and authorizes all actions necessary to enable the reimbursement of approved expenditures for members of the CPAAA. Further the Council requests the Chief of the Police Department develop rules, regulations or policies which detail and account for proper reimbursement of the aforementioned members. In addition, the line item should be funded in an amount determined sufficient for reasonable reimbursement for the year 2020 and thereafter.

Section 2. This resolution shall take affect at the earliest date allowed by law.




Todd Schneider
President of Council

APPROVED:


Mayor Scott Schertzer

ATTEST:


Tarina R. Rose
Clerk of Council

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

Resolution No. 2019-19

Passed 11/25/2019

RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARION, OHIO TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY

WHEREAS, the State Capital Improvement Program provides financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the City of Marion, Ohio is planning to make capital improvements for the Short Street Sewer Improvements (Project 20-1S), S. Grand Avenue Sewer Improvements (Project 20-2S), and Colonial Acres Sewer Improvements (Project 20-3S)

WHEREAS, the infrastructure improvements herein above described are considered to be a priority need for the community and are qualified projects under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio:

Section 1: The Mayor is hereby authorized to apply to the OPWC for funds as described above.

Section 2: The Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: That this resolution is hereby declared an emergency measure necessary for the immediate preservation of the public health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason that it is necessary to meet the State Issue 1 deadline; and as such, shall take effect and be in force immediately upon its passage and approval by the mayor, provided that it receives the affirmative vote of two-thirds of all members elected to Council: otherwise it shall become effective from and after the earliest period allowed by law.



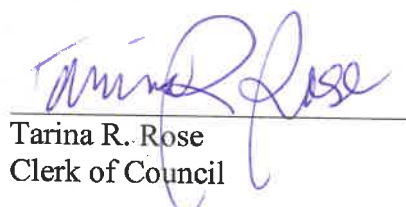
Todd Schneider
President of Council

Approved:



Mayor Scott Schertzer

Attest:



Tarina R. Rose
Clerk of Council

RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

<i>Resolution No.</i>	<i>Passed</i>
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RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

Resolution No. 2019-20

Passed VOID

FORM 1 – ADDITIONAL -- RES 2019-20

RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX
IN EXCESS OF THE TEN MILL LIMITATION
Rev. Code Sec. 5705.19, .192, .26

The Council for the City of Marion, Ohio, Marion County, Ohio met in regular session the 9th day of December, 2019 at Marion City Hall, 233 W. Center St., Marion, Ohio 43302 with the following members present:

_____. Member
_____ moved the adoption of the following Resolution, which was
seconded by Member _____

RESOLUTION

Whereas, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Council for the City of Marion, Ohio, City of Marion, Ohio, Marion County, Ohio; and

Whereas, the Council for the City of Marion, Ohio, two-thirds of all members elected hereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of the City of Marion, Ohio Fire Department for the purpose of:

providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the the purchase of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, firefighters, or for the payment of other related costs, for the payment of firefighting companies, emergency medical service, administrative, or communications personnel to operate same, including the payment of any employer contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, at a rate not exceeding two point seven five (2.75) mills for each one dollar valuation, which amounts to twenty-seven and one half cents (\$.275 cents) for each one hundred dollars of valuation, to be levied upon the entire incorporated area of the City of Marion, Ohio in Marion County, Ohio, for a continuing period time, beginning with the tax list for the year 2020 with the first collection occurring in the year 2021, which levy is an additional levy of two point seven five (2.75) mills, as is permitted pursuant to R.C. 5705.19, 5705.192 and 5705.26.

THEREFORE, BE IT RESOLVED, that the Clerk of Council and the Auditor for the City of Marion, Ohio, Marion County, Ohio, shall certify this Resolution requesting the Marion County Auditor to certify to the City Council for the City of Marion, Ohio, Marion County, Ohio the amount of revenue that would be generated by a levy at a rate not exceeding two point seven five (2.75) mils for each one dollar valuation, which amounts twenty-seven and one half cents (\$.275 cents) for each one hundred dollars of valuation, to be levied upon the entire incorporated area of the City of Marion, Ohio in Marion County, Ohio, for a continuing period time, beginning with the tax list for the year 2020 with the first collection occurring in the year 2021, which levy is an additional levy of two point seven five (2.75) mills, as is permitted pursuant to R.C. 5705.19, 5705.192 and 5705.26.

RECORD OF RESOLUTIONS

Resolution No. _____

Passed _____, _____

Roll call resulted as follows:

Adopted this _____ day of December, 2019.

PASSED:
APPROVED:

President of Council,

Mayor Scott Schertzer

Clerk Tarina Rose

The State of Ohio, Marion County, ss.

We, Clerk of Council Tarina Rose and City Auditor Kelly Carr do hereby certify that the foregoing is taken and copied from the Record of Proceedings of said City Council for the City of Marion, Ohio; that same has been compared by is with the Resolution on said Record and that it is a true and correct copy thereof.

Witness our signatures this _____ day of December, 2019.

Kelly Carr, Auditor
City of Marion, Ohio

Tarina Rose, Clerk of Council
City of Marion, Ohio

Approved as to form:

Mark D. Russell, 46703
City Law Director

RECORD OF RESOLUTIONS

Resolution No. 2019-20 Passed _____, _____

Proposed Ballot Language for 2.75 mil Levy

An additional tax, outside the ten-mil limitation, for the benefit of the City of Marion, Ohio Fire Department for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the the purchase of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, firefighters, or for the payment of other related costs, for the payment of firefighting companies, emergency medical service, administrative, or communications personnel to operate same, including the payment of any employer contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, at a rate not exceeding two point seven five (2.75) mills for each one dollar valuation, which amounts to twenty-seven and one half cents (\$.275 cents) for each one hundred dollars of valuation, to be levied upon the entire incorporated area of the City of Marion, Ohio in Marion County, Ohio, for a continuing period time, beginning with the tax list for the year 2020 with the first collection occurring in the year 2021, which levy is an additional levy of two point seven five (2.75) mills, as is permitted pursuant to R.C. 5705.19, 5705.192 and 5705.26.

RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

<i>Resolution No.</i> _____	<i>Passed</i> _____,____
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RECORD OF RESOLUTIONS

BARRETT BROTHERS - DAYTON, OHIO

Form 6301

Resolution No. 2019-21 Passed VOID

FORM 2 – ADDITIONAL – RES 2019-21

RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX
IN EXCESS OF THE TEN MILL LIMITATION
Rev. Code Sec. 5705.19, .192, .26

The Council for the City of Marion, Ohio, Marion County, Ohio met in regular session the 9th day of December, 2019 at Marion City Hall, 233 W. Center St., Marion, Ohio 43302 with the following members present:

_____. Member _____ moved the adoption of the following Resolution, which was seconded by Member _____

RESOLUTION

Whereas, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Council for the City of Marion, Ohio, City of Marion, Ohio, Marion County, Ohio; and

Whereas, the Council for the City of Marion, Ohio, two-thirds of all members elected hereto concurring, that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of the City of Marion, Ohio Fire Department for the purpose of:

providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the the purchase of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, firefighters, or for the payment of other related costs, for the payment of firefighting companies, emergency medical service, administrative, or communications personnel to operate same, including the payment of any employer contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, at a rate not exceeding two point seven five (2.75) mills for each one dollar valuation, which amounts to twenty-seven and one half cents (\$.275 cents) for each one hundred dollars of valuation, to be levied upon the entire incorporated area of the City of Marion, Ohio in Marion County, Ohio, for a continuing period time, beginning with the tax list for the year 2020 with the first collection occurring in the year 2021, which levy is an additional levy of two point seven five (2.75) mills, as is permitted pursuant to R.C. 5705.19, 5705.192 and 5705.26.

THEREFORE, BE IT RESOLVED, That said levy be placed upon the tax list of the current year after the February settlement next succeeding the primary election to be held Tuesday March 17, 2020, if a majority of the electors voting thereon vote in favor thereof; and be it further

RESOLVED, That the Clerk of Council and the Auditor of the City of Marion be and are hereby directed to certify a copy of this Resolution to the Board of Election of Marion County, Ohio not less than seventy-five (75) days before the elections upon which it will be voted and notify said Boards of Elections to cause notice of election on the question of levying said tax to be given as required by law.

RECORD OF RESOLUTIONS

Resolution No. _____ Passed _____, _____

Roll call resulted as follows:

Adopted this _____ day of December, 2019.

President of Council,

PASSED:
APPROVED:

Mayor Scott Schertzer

Clerk Tarina Rose

The State of Ohio, Marion County, ss.

We, Clerk of Council Tarina Rose and City Auditor Kelly Carr do hereby certify that the foregoing is taken and copied from the Record of Proceedings of said City Council for the City of Marion, Ohio; that same has been compared by is with the Resolution on said Record and that it is a true and correct copy thereof.

Witness our signatures this _____ day of December, 2019.

Kelly Carr, Auditor
City of Marion, Ohio

Tarina Rose, Clerk of Council
City of Marion, Ohio

Approved as to form:

Mark D. Russell, 46703
City Law Director

RECORD OF RESOLUTIONS

Resolution No. 2019-21 Passed _____, _____

Proposed Ballot Language for 2.75 mil Levy

An additional tax, outside the ten-mil limitation, for the benefit of the City of Marion, Ohio Fire Department for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the the purchase of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, firefighters, or for the payment of other related costs, for the payment of firefighting companies, emergency medical service, administrative, or communications personnel to operate same, including the payment of any employer contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, at a rate not exceeding two point seven five (2.75) mills for each one dollar valuation, which amounts to twenty-seven and one half cents (\$.275 cents) for each one hundred dollars of valuation, to be levied upon the entire incorporated area of the City of Marion, Ohio in Marion County, Ohio, for a continuing period time, beginning with the tax list for the year 2020 with the first collection occurring in the year 2021, which levy is an additional levy of two point seven five (2.75) mills, as is permitted pursuant to R.C. 5705.19, 5705.192 and 5705.26.

RECORD OF RESOLUTIONS

<i>Resolution No.</i> _____	<i>Passed</i> _____,_____
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