

Resolution No. 2019-15

Passed 20

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

Dayton Legal Blank, Inc., Form No. 30045

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- 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.

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Dayton Legal Blank, Inc., Form No. 30045

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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

Resolution No. _____ Passed _____, 20____

- 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

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Dayton Legal Blank, Inc., Form No. 30045

Resolution No. _____ Passed _____, 20____

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.

Approved:

Todd Schneider
President of Council

Mayor Scott Schertzer

Attest;

Clerk of Council

Resolution No. _____

Passed _____, 20____

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)

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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

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EXHIBIT C

ENERGY PROJECT AGREEMENT

(See Attached)

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-42

Passed _____

DETERMINING TO PROCEED WITH CERTAIN THE BRICKYARD ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECT BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE; 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 may petition the District to expand and are permitted to make certain "energy efficiency improvements" to their property, 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 City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District, to govern the District. The Northwest Ohio Advanced Energy Improvement District and Port Authority have provided technical and financial assistance to the District for this project.

The Brickyard on Main, LLC (the "Petitioner") is the owner of 100% of the property described on Exhibit A attached hereto (the "Property"). The Petitioner has executed an Energy Project Agreement (the "Agreement") with the Marion ESID and the Northwest Ohio Advanced Energy Improvement District. 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 Property, the Port Authority, Marion 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, and the Marion ESID have submitted to this Council a petition ("Petition") seeking (i) the addition certain of its property to the District and (ii) approval of the changes to the District's initial comprehensive plan for special energy improvement projects to include The Brickyard on Main Special Energy Improvement Project (the "Project") and requesting that the Project be undertaken by the District and that the costs thereof be specially assessed against the property of the Petitioner, specially benefited thereby.

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Passed _____

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 Ordinance. Exhibit B provides the following information for the Project:

- 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 project 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 Northwest Ohio Advanced Energy Improvement District'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, Northwest Ohio Advanced Energy Improvement District, 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 property. This ordinance accepts and approves the petition from the Petitioner to

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____

begin that special assessment process, and is accompanied by an ordinance to proceed with the Project. When the Project is complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited property will be presented to the Council.

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

SECTION 1. That this Council hereby determines to proceed with the Project as described in the Petition of the Petitioner and in the Resolution of Necessity, including the Exhibit B thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2. That the Marion ESID shall cause the Project to be constructed under such contracts as it determines to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3. That the total cost of the Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the property in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4. That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Marion County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That this Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

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BARRETT BROTHERS - DAYTON, OHIO

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SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property; and for the further reason that immediate action is necessary in order to conserve energy, protect the environment of the City and undertake the construction of necessary public improvements, as well as, enable and provide for the timely levying, certification and collection of special assessments for the Project.

Todd Schneider
President of Council

Approved:

Mayor Scott Schertzer

Attest;

Clerk of Council

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____

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)

Ordinance No. _____ Passed _____

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
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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)
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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.

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BARRETT BROTHERS - DAYTON, OHIO

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Ordinance No. _____ Passed _____

EXHIBIT C
ENERGY PROJECT AGREEMENT

(See Attached)

RECORD OF ORDINANCES

Form 62205

BARRETT BROTHERS - DAYTON, OHIO

Ordinance No.

Passed

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-43

Passed _____

**LEVYING SPECIAL ASSESSMENTS FOR THE BRICKYARD
ON MAIN SPECIAL ENERGY IMPROVEMENT PROJECTS;
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 City of Toledo and the Toledo-Lucas County Port Authority ("Port Authority") have partnered to create an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the Northwest Ohio Advanced Energy Improvement District ("NW Ohio ESID"), to govern the District. The NW Ohio ESID and Port Authority have provided technical and financial assistance to the District for this project.

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 Marion ESID and the NW Ohio 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 Port Authority, the Marion 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 and the Marion ESID have submitted to this Board a joint petition ("Petition") seeking (i) the addition certain of its property to the District and (ii) approval of the changes to the District's initial 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 Council and is attached as Exhibit B to this Ordinance. Exhibit B provides the following information for the Project:

1. Identification of the parcel numbers and name of the property/building to be improved;
2. A description of the nature of the special energy improvement project for the particular parcel;

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Passed

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 ordinance.

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, and Chapter 727 of the Revised Code. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by the Project. 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. Final costs for the Project are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No 2019-15) and an Ordinance to Proceed (Ordinance No. 2019-42) by levying the assessments against the benefitted properties.

NOW, THEREFORE, be it ordained by the Council:

SECTION 1. That the special assessments for the cost of providing the Project in the District pursuant to Resolution No. 2019-15 adopted by this Council on July 8, 2019 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Projects are reduced to the aggregate amount of Two Hundred Fifty-Nine Thousand One Hundred Ninety-Three Dollars and Eighteen Cents (\$259,193.18), which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the schedule attached as Exhibits A and on file with the Clerk, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as Exhibit B in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Port Authority administrative fee, the Port Authority program administration fee, and the Trustee fee due with respect to each semi-annual period identified in such payment schedule. 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 2. That the Petitioner, waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in fourteen annual installments (twenty-eight semi-annual installments) in accordance with the schedules attached hereto as Exhibit B. All special assessments shall be certified by the Clerk to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the County Treasurer of Marion County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____

Passed _____, _____

Notwithstanding the foregoing, pursuant to the Agreement to Impose Assessment between the Petitioner, Marion ESID, and the NW Ohio ESID, attached to the petition as Exhibit C and providing that the Petitioner, grants the NW Ohio ESID the authority to determine, in its sole discretion, the amount of the special assessments, the NW Ohio ESID, acting through its Chairman or other authorized representative, may annually, on or before August 15th, deliver to the municipal assessment officer or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The NW Ohio ESID's certificate shall reflect payments made by or on behalf of the Petitioner, or its successors, directly to the NW Ohio ESID or to the NW Ohio ESID's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the NW Ohio ESID's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City does not receive such a certificate in any given year on or before August 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.

SECTION 3. The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4. That the Clerk shall deliver a certified copy of this Ordinance to the County Auditor within twenty days after its passage, but in no event later than the second Monday in September, 2019 (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Marion County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2019).

SECTION 5. That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The City Administrator is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6. That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

RECORD OF ORDINANCES

Form 6220S

BARRETT BROTHERS - DAYTON, OHIO

Ordinance No.

Passed

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be enforced from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that the immediate action is necessary in order to conserve energy and protect the environment of the City, as well as, undertake the construction of the public improvements and enable and provide for 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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. _____ Passed _____

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)

Ordinance No.

Passed

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.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

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Ordinance No. _____ Passed _____

EXHIBIT C

ENERGY PROJECT AGREEMENT

(See Attached)

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No.

Passed

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-44

Passed _____

ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO PREPARE AND ADVERTISE A REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES AND ENTER INTO CONTRACT WITH THE MOST QUALIFIED INDIVIDUAL OR FIRMS IN ORDER TO DESIGN PROJECTS RELATED TO THE FY 2018 THROUGH 2020 COMMUNITY DEVELOPMENT GRANTS FOR THE SUBJECT TO THE MUTUAL AGREEMENT OF THE CITY OF MARION AND THE INDIVIDUAL OR FIRM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Marion Ohio has a FY2018 and has applied for FY 2019 Community Development Block Grant desires to apply for additional grants from the Office of Development Services Agency and,

WHEREAS, professional services are required to assist the Planning Commission develop specifications for the FY 2018 Fire Dept. infrastructure projects and,

WHEREAS, the FY 2019 CDBG grant may have need for professional services, and

WHEREAS, there are many competitive grants such as Targets of Opportunity, CHIP Housing and Critical Infrastructure offered by the Ohio Development Services Agency on an open cycle basis in which it may be necessary to have begun procurement of professional services prior as a part of the application process.

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

Section 1. That the Mayor is hereby authorized and directed to prepare and advertise a Request for Qualifications and Proposals from qualified grant administrators, architects, engineers, landscape architectural firms and surveyors for the City's Community Block Grant Program.

Section 2. That the cost of such contract (s) shall be conditioned on receiving the grant.

Section 3. That the Mayor is authorized to enter into contract with the firms or individuals, subject to the mutual agreement of the City of Marion and the individual or firm.

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No.	Passed
<p>Section 4. That this ordinance is hereby declared an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof; and as such, shall take effect and be in force 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.</p>	<p>_____ President of Council</p> <p>Approved: _____</p> <p>Mayor _____</p> <p>Attest: _____</p> <p>_____ Clerk of Council</p>

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

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Ordinance No. 2019-45

Passed _____

ORDINANCE TO CREATE COMMUNITY REINVESTMENT AREA #3
IN THE CITY OF MARION BY ADDING NEW AND PREVIOUSLY
ANNEXED LAND COVERED UNDER THE CRA INCENTIVE, AND
DECLARING AN EMERGENCY

WHEREAS, several annexations have occurred north of Marion of areas with sparse housing investment, state and local institutional facilities, quarries, and vacant industrial land

WHEREAS, a survey of housing as required by the Ohio Revised Code (ORC) Section 3735.66 has been prepared for the additional area to be included in the expanded CRA, and,

WHEREAS, the three school districts in this area, Marion City, Ridgedale Local, and River Valley Local, have been notified by Certified Mail that the City was considering expanding the area covered by an Enterprise Zone (EZ) or Community Reinvestment Area (CRA), and Housing Officer and EZ Manager Ken Lengieza attended the June 13, 2019 River Valley School Board meeting, since that school district is not in any current CRA or EZ with the City of Marion, and

WHEREAS, the changes suggested by the River Valley School Board would be difficult to incorporate in the current CRA #2, but could be easily established in a new CRA # 3, better meet the needs of this area, and also not have to be connected to the existing CRA #2

WHEREAS, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities, and

WHEREAS, the remodeling of existing structures or the construction of new structures in this expanded Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted, then

THEREFORE, BE IT ORDAINED BY THE CITY OF MARION, MARION COUNTY, OHIO:

Section 1. The area described below constitutes an area in which housing facilities or structures of historical significance are located and in which new construction or repair of existing facilities has been discouraged.

Section 2. Marion Community Reinvestment Area #3 is hereby established in following described area in Ridgedale and River Valley School Districts:

All of the area of the City of Marion as of July 1, 2019 north of Marion-Williamsport Rd. This is more specifically described as follows:

Starting at the intersection of Marion-Williamsport Rd and North Main St as the place of beginning; then east about 6500 feet to the eastern boundary of the City, then along the east boundary of the City of Marion (north about 675 feet, west about 570 feet, north about 425 feet, east about 1650 feet, north about 3500 feet, southwest about 1500 in the River Valley Mobile Home Park, north on Victory Rd about 1635 feet to Likens Rd, east along Likens Rd to US 23, north northwest along the US 23 right of way about 5700 feet, continuing along said

Ordinance No. _____ Passed _____

right of way northwest about 3025 feet) to the northern boundary of the City of Marion. Thence west along the northern boundary about 2500 feet to the western boundary of the City, thence along the western boundary of the City to Marion- Bucyrus Rd(southwest about 1615 feet, west about 450 feet, southwest about 1170 feet, west about 1110 feet, south southwest about 1950 feet, east about 500 feet, south about 350 feet, west about 250 feet, south about 850 feet, east about 750 feet, south about 2740 feet, west about 2050, south about 1500 feet, east about 350 feet, south about 700 feet, east about 1430 feet, and southwest 3500 feet to Marion-Bucyrus Rd), thence south about 350 feet along Marion-Bucyrus Rd to Marion-Williamsport Rd, the place of beginning

Section 3. All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive. As part of the project, the City of Marion intends to undertake supporting public improvements in the designated area.

Section 4. Within Community Reinvestment Area 3, the percentage of tax exemption on the increase in valuation shall be determined by Marion City Council for each property. Residential properties are hereby determined to not be eligible for abatement in this district nor are traditional agricultural buildings, but City Council may, on a case by case basis, consider intense state of the art vertical farming, hydroponic, and similar industrial scale structures that offer ample employment.

Section 5. Robert Morris, with the assistance of CRA 1 and 2 manager Ken Lengieza, is designated as Housing Officer.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and the inhabitants thereof and for the further reason that Area application must be filed immediately in order for properties to be eligible for consideration 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;

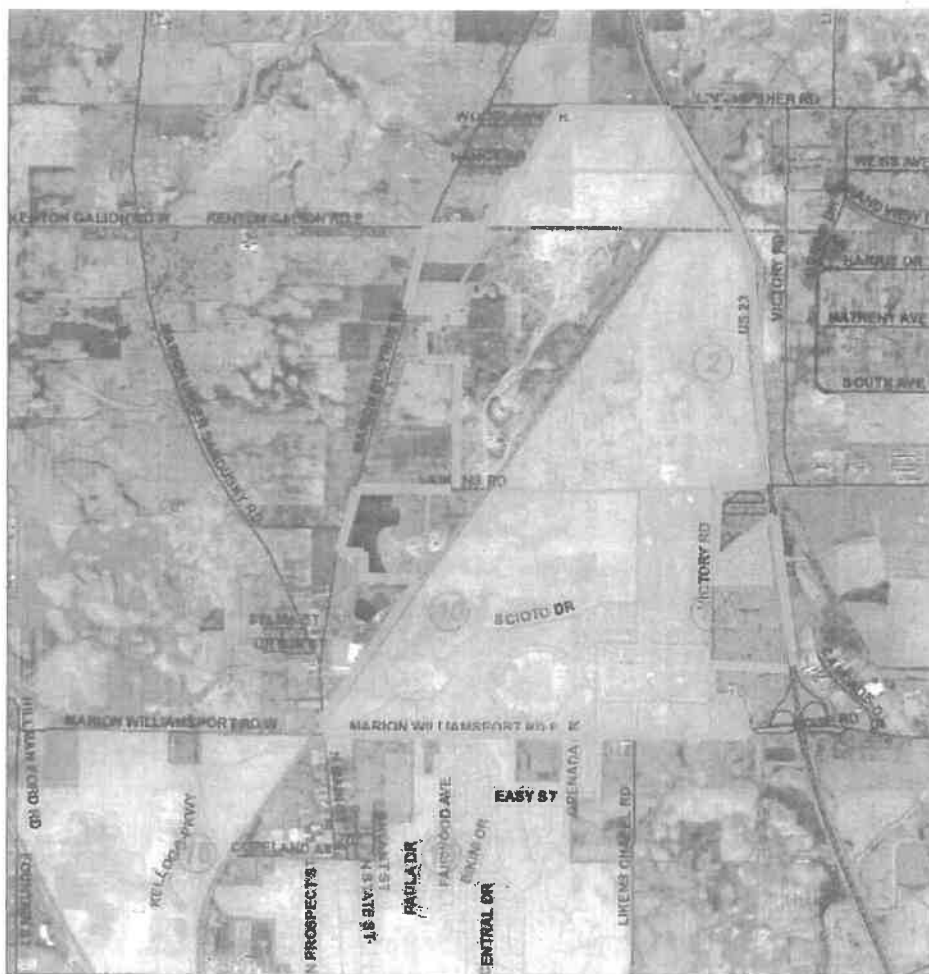
Clerk of Council Tarina Rose

Ordinance No. _____

Passed _____

EXHIBIT A

CITY OF MARION NORTHSIDE CRA #3

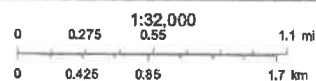


7/2/2019, 11:27:59 AM

— Townships
 — City & Villages
 — Roads

2018_3Inch

2018_9Inch_Aerials



RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No.

Passed

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-46

Passed _____, _____

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH QUALITY MASONRY COMPANY, INC., MARION, OHIO FOR THE BAY FLOOR REPAIR AT THE MARION CITY FIRE DEPARTMENT STATION 1 AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 2019-05 authorized the preparation of spec and bid for the bay floor repair at the Marion City Fire Department Station 1 in the City of Marion, Ohio, and

WHEREAS, Quality Masonry Company, Inc., submitted the lowest bid of \$60,000.

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

Section 1. That the Safety Director be authorized and directed to enter into contract with Quality Masonry Company, Inc., for the bay floor repair at the Marion City Fire Department Station 1.

Section 2. That this shall be payable from the CDBG critical infrastructure grant for the Fire Department

Section 3. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of health, welfare and safety of the City of Marion and the inhabitants thereof and for the further reason it is necessary for the daily operation of said City; and shall take effect and be in force immediately upon it's 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.

PRESIDENT OF COUNCIL

APPROVED:

MAYOR

ATTEST:

CLERK

RECORD OF ORDINANCES

Form 62205

BARRETT BROTHERS - DAYTON, OHIO

Ordinance No.

Passed

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-47

Passed _____, _____

ORDINANCE MAKING ADDITIONAL APPROPRIATIONS IN THE
GENERAL FUND AND POLICE DEPARTMENT FUND FOR THE
YEAR ENDING DECEMBER 31, 2019.

WHEREAS, the Council has been advised that insurance money has
been received for the police car that was totaled in an accident and the money
needs to be re-appropriated to pay for the purchase of a replacement vehicle.

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

Section 1. That there be an additional appropriation made in the
General Fund in the following amounts:

GENERAL FUND

Transfer Out-Police	101.1024.5426.15	\$28,280.00
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POLICE DEPT.

Capital Equipment	260.1000.5442	\$28,280.00
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Total Approp.		\$28,280.00
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Section 2. That this ordinance 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

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No.

Passed

RECORD OF ORDINANCES

BARRETT BROTHERS - DAYTON, OHIO

Form 6220S

Ordinance No. 2019-48

Passed _____, _____

ORDINANCE DIRECTING THE SERVICE DIRECTOR
AMEND THE MASTER TRAFFIC CONTROL PLAN BY
MODIFYING MAYNARD DRIVE FROM AN EXISTING 2-WAY
STREET TO A 1-WAY, SOUTHBOUND STREET, AND
DECLARING AN EMERGENCY.

WHEREAS, the Traffic Commission met on July 17, 2019, and

WHEREAS, after due consideration of the material available to it the Traffic Commission voted 6-0 to recommend Council amend the City's Traffic Control Map by modifying Maynard Drive from an existing 2-way street to a 1-way, southbound street,

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

SECTION 1. Based upon the report of the City Engineer and upon the recommendation of the City's Traffic Commission, the Council hereby determines it necessary to amend the City's Traffic Control Map in regard to the 2-way directional flow of traffic on Maynard Drive and replace same with a 1-way, southbound directional flow and eliminate parking on the north-west side of the street.

Therefore, the Service Director is directed to take action necessary to make the direction change, including eliminating parking on the north-west side of the street upon a schedule which he shall establish to provide notification of the impending change to provide for a safe and managed transition.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: Due to the real and present need to move forward without delay given the imminent school season and urgent need to move without delay; 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:

Tarina R. Rose
Clerk of Council

BARRETT BROTHERS - DAYTON, OHIO.

Ordinance No. _____

Passed

Resolution No. 2019-16

Passed _____, 20____

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. _____ Passed _____, 20____

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