

IN THE MATTER OF GRANTING AN ANNEXATION OF 0.907 ACRES, MORE OR LESS, TO THE VILLAGE OF MINSTER FROM JACKSON TOWNSHIP; PETITIONED BY MARY CLUNE.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of March, 2017.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on March 28, 2017, a petition for annexation of a total of 0.907 acres, more or less, was filed as an Expedited Type 1, with the Office of the Board of County Commissioners by Mary Clune; and,

WHEREAS, the requirements for the filing of said petition were all met, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.022.
- 2.) The persons who signed the petition represent 100% of the owners of the property; signatures having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28).
- 7.) An annexation agreement of the Village of Minster and Jackson Township as provided for in ORC 709.192.

and,

WHEREAS, the petitioner requested that the special procedure be used and waived their right to appeal any action taken by the Board of County Commissioners; and,

WHEREAS, the Board determined that this annexation is in order, meeting all criteria.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 0.907 acres, more or less, to the Village of Minster as petitioned Mary Clune by pursuant to ORC Section 709.022.

Commissioner Regula seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
30th day of
March, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

cc: County Auditor
County Engineer
Mary Clune
Jackson Township Trustees
Village of Minster

Petition for Annexation

(ORC 709.022)

RECEIVED
MAR 28 2017

Board of County Commissioners
Auglaize County, Ohio

To: Board of County Commissioners of Auglaize County, Ohio

The undersigned petitioner, Mary Clune (the "Petitioner"), being the sole owner of certain real estate proposed for annexation consisting of 0.967 acres, more or less, (the "Territory") hereby petitions to annex the Territory to the Village of Minster, Auglaize County, Ohio (the "Village") and from the Township of Jackson, Auglaize County, Ohio (the "Township")

The Territory proposed for annexation is adjacent and contiguous with the Village of Minster and part of a permanent parcel numbered E1403501701.

An accurate legal description of the perimeter of the Territory proposed for annexation is attached to and made a part of this petition as Exhibit "B".

Please take notice that, simultaneously with the filing of this petition, Mary Clune, is also filing a list of all tracts, lots or parcels in the Territory proposed for annexation and all tracts, lots or parcels located adjacent to the Territory, as well as an Annexation Agreement between the Village and the Township as required by ORC 709.022.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONER. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY.

Mary Clune

Mary Clune
Property Owner

3-27-2017
Date

152 South Paris St.
Minster Oh 45865

TRACTS OF LAND IN TERRITORY PROPOSED FOR ANNEXATION.

Owner	Address	Parcel Number
Mary M. Clune	152 South Paris	E1403501701
	Minster, OH 45865	

LIST OF TRACTS ADJACENT TO TERRITORY PROPOSED FOR ANNEXATION

Owner	Address	Parcel Number
Mary M. Clune	152 South Paris St	E1403501701
	Minster, OH 45865	

COUNCIL MEMBER	YES	NO	ABSTAIN
Rick Schwartz	X		
Tom Herkenhoff	X		
Paul Enneking	X		
Curt Albers			
Craig Oldiges			
Nicole Clune			
Mayor Dennis Kitzmiller	X		

ORDINANCE 17-02-03

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BY THE VILLAGE OF MINSTER WITH JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND TO DECLARE AN EMERGENCY

WHEREAS, Section 709.022 of the Ohio Revised Code grants the filing of a petition for annexation under a special procedure when all parties provide consent; and

WHEREAS, under these special procedures the petition for annexation must be accompanied by a certified copy of an annexation agreement that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation; and

WHEREAS, Mary Clune, (Petitioner), owner of the real estate depicted by the site map in Exhibit A, attached hereto and further described on Exhibit B (the Property), desires to annex the Property into the Village, per the expedited process of annexation stated in Ohio Revised Code Section 709.022; and

WHEREAS, an annexation agreement as outlined in Ohio Revised Code Section 709.192 has been presented for consideration to both the Village of Minster and Jackson Township; and

WHEREAS, the trustees of Jackson Township, Auglaize County, Ohio held a public meeting and approved of such Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the Village of Minster, Auglaize County, Ohio, to-wit:

SECTION 1: The Village of Minster has determined that it is in the best interest of the Petitioner and the Village to enter into an Agreement as provided for by Ohio Revised Code Section 709.192

SECTION 2: That the form of the Annexation Agreement attached hereto as Exhibit C is hereby approved, subject to and with any and all changes therein provided.

SECTION 3: That the Mayor is hereby authorized and directed to execute an Annexation Agreement substantially in the form of Exhibit C between the Village of Minster and the Jackson Township Trustees for the property petitioned to be annexed by the Petitioners.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

SECTION 5: That this Ordinance shall be in effect from and after the earliest period allowed.

PASSED AND ADOPTED by the legislative Authority of the Village of Minster on this 7th day of March 2017.

ATTEST:


John Stechschulte, Clerk/Fiscal Officer


Dennis Kitzmiller, Mayor

EXHIBIT A

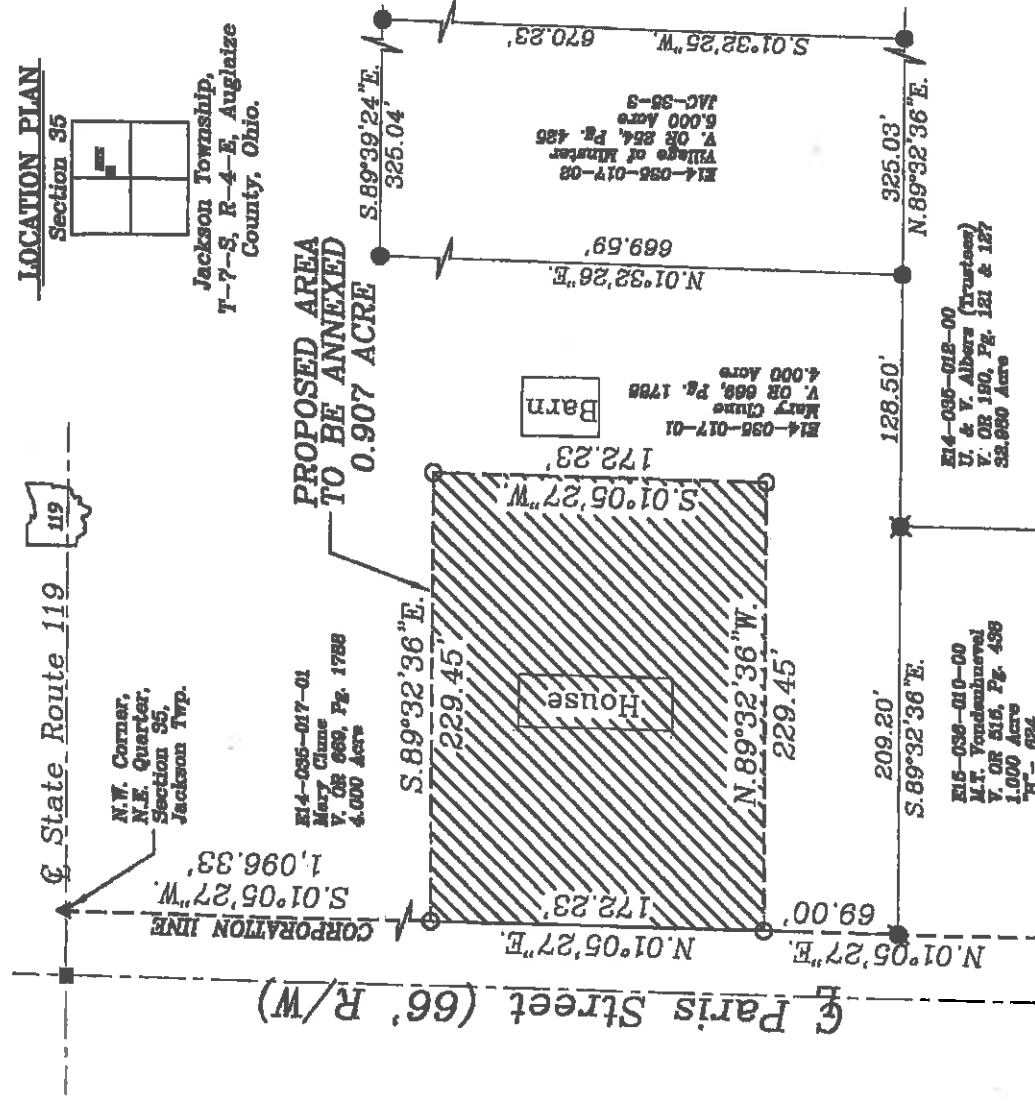
Accurate Map or Plat of the territory Sought to be Annexed

1

AREA PETITIONED FOR ANNEXATION TO THE VILLAGE OF MINSTER, OHIO.

Part of Lot No. 2 of Menke's Subdivision of the the North one half of the Northeast Quarter of Section 35, T-7-S, R-4-E, Jackson Township, Auglaize County, Ohio.

January 2017



LOCATION PLAN



Jackson Township,
T-7-S, R-4-E, Auglaize
County, Ohio.

Basis of Bearing is the West Line of the Northeast Quarter of Section 35 as S.01°05'27"W. from the Ohio State Plane - North Coordinate System NAD-83 (2011).

This Plat is Recorded in Survey Book "S", Page 620 in the Auglaize County Engineer's Office.

This Plat and the accompanying Legal Description represents an actual Boundary Survey completed John W. Jauert, in January, 2017.

LEGEND

- 5/8"x30" Iron Pin Set/Cap
- 5/8" Dia. Iron Pin Found
- Iron Pipe Found
- Iron Axle Found
- Monument Box
- ▲ R.R. Spike



GRAPHIC SCALE

Jauert surveying	
11284, Menyce Road Wapakoneta, Ohio 45326 (419) 697-6899	
CLIENT: Quase Ammanifilm	SEC. 35
COUNTY: Auglaize	TOWNSHIP: Jackson
DRAWN BY: J.W.J.	SCALE: 1"=75' DWG.# 16-4276
CHECKED BY:	DATE: January 2017
SHEET 1 OF 2 (T-7-S, R-4-E)	

ATTEST:
John W. Jauert
Professional Surveyor No. 6920

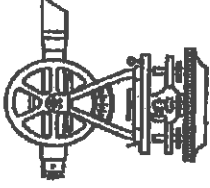
EXHIBIT B

Accurate legal Description of the Territory Sought to be Annexed



- John Jauert
- 11584 Monroe Road
- Wapakoneta, Ohio 45895

Jauert Surveying



- Phone: (419) 657-6999
- FAX: (419) 657-2745
- E-Mail: jjauert@ohiolink.net

CLUNE ANNEXATION DESCRIPTION
0.907 ACRE
TO THE VILLAGE OF MINSTER, OHIO

The following described tract of land is part of Lot No. 2 of Menke's Subdivision of the North one half of the Northeast Quarter of Section 35, Town 7 South, Range 4 East, Jackson Township, Auglaize County, Ohio, being part of Parcel Number E14-035-017-01 and is more particularly described as follows:

Commencing at a R.R. Spike (found) at the Northwest corner of the Northeast Quarter of Section 35, Jackson Township and in the centerline of State Route 119;

Thence S.01°05'27"W. along the West line of the Northeast Quarter of said Section 35, a distance of 1,096.33 feet to an iron pin (set), which is the PLACE OF BEGINNING for the tract of land herein described;

Thence S.89°32'36"E. a distance of 229.45 feet to an iron pin (set);

Thence S.01°05'27"W. a distance of 172.23 feet to an iron pin (set);

Thence N.89°32'36"W. a distance of 229.45 feet to an iron pin (set);

Thence N.01°05'27"E., along the West line of the Northeast Quarter of Section 35, a distance of 172.23 feet to the iron pin (set), which was the true PLACE OF BEGINNING.

Containing in all 0.907 Acre. The above-described tract of land is subject to all legal easements, restrictions and reservations, if any, of record or in use on said premises. Previous deed reference: Volume OR 669, page 1788. The above description and plat are recorded in Survey Book "S", Page 620, in the Auglaize County Engineer's Office. Basis of bearing is holding the West line of the Northeast Quarter of Section 35, Jackson Township as S.01°05'27"W. from the Ohio State Plane - North Coordinate System NAD-83 (2011). This plat and description is based on a field survey by Jauert Surveying, under the direction of John W. Jauert P.S. No. 6920 in January 2017.

ATTEST:

John W. Jauert
Professional Surveyor No. 6920

EXHIBIT C
Annexation Agreement

ANNEXATION AGREEMENT
(Expedited Type One Annexation)

This Agreement is entered into this 9th day of March of 2017, between the Village of Minster, Ohio (the "Village") and the Board of Township Trustees of Jackson Township, Auglaize County, Ohio (the "Township"), pursuant to R.C. 709.021, 709.022 and 709.192.

WHEREAS, Mary Clune (the "Petitioners"), owners of the real estate in the territory hereinafter described (the "Property"), desire to annex the Property into the Village pursuant to the expedited process of annexation set forth in R.C. 709.021 and 709.022; and

WHEREAS, the Village and the Township, by Resolutions duly adopted by their legislative authorities, each have determined that it is in the best interest of all parties involved to enter into this Annexation Agreement (the "Agreement") as provided by R.C. 709.192.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. Village Consent and Agreement. The Village consents to the annexation of the Property into the Village and agrees to provide sanitation, police, fire, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that such services are provided to other residents of the Village.
2. Township Consent. The Township consents to the annexation of the Property into the Village.
3. The Property. The real property subject to this Agreement shall consist of .907 acres located in Jackson Township, Auglaize County, Ohio, as depicted on the map attached hereto as Exhibit A. A legal description of the Property is attached hereto as Exhibit B.
4. Tax Distribution. Following the annexation of the Property, the Township will continue to receive real estate tax revenues levied on the Property in accordance with the Ohio Revised Code.
5. Severability. In the event any one or more of the provisions of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement. Such provisions shall be modified in order to best preserve the intention of the Village and the Township. The Agreement as modified shall remain in full force and effect. If such provisions cannot be so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.
6. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

7. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Village and the Township, their legal representatives, successors and assigns.

8. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may be amended or modified only through a writing duly executed by the Village/Township as authorized by R.C. § 709.192. All prior agreements between the parties, either written or oral are superseded by this Agreement.

IN WITNESS WHEREOF, the Village and Township have executed this Agreement.

VILLAGE OF MINSTER, OHIO

By: *Dennis Kitzmiller*
Dennis Kitzmiller, Mayor

Attest: *John Stechschulte*
John Stechschulte, Clerk

BOARD OF TOWNSHIP TRUSTEES
OF JACKSON TOWNSHIP, AUGLAIZE
COUNTY, OHIO

By: *Ken Albers*
James Albers, Trustee

By: *Ken Sommer*
Ken Sommer, Trustee

By: _____
Carl Albers, Trustee

APPROVED AS TO LEGAL FORM:

By: *James Hearn*
James Hearn
Solicitor, Village of Minster, Ohio

County Commissioners Office
Auglaize County, Ohio
March 30, 2017

NO. 17-145

**IN THE MATTER OF APPROVING THE CONTRACT AND BOND FOR SAND RIDGE EXCAVATING INC.
FOR THE RITTER #2 DITCH PROJECT.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of March, 2017.

Commissioner Spavan moved the adoption of the following:

RESOLUTION

WHEREAS, the Engineer's office has filed with this Board a contract and bond with Sand Ridge Excavating, Inc. for labor and materials for said Ritter #2 Ditch project petitioned under Senate Bill 160; and,

WHEREAS, the Board of County Commissioners has been requested to approve and execute the contract and bond, as all appears to be in order.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, does hereby approve the contract and bond with Sand Ridge Excavating, Inc. as presented, for the Ritter #2 Ditch project; and,

BE IT FURTHER RESOLVED that the Clerk of the Board is hereby directed to record said contract and bond in the Commissioners' Journal; and,

BE IT FURTHER RESOLVED that the Secretary of the County Engineer prepare assessment billing notices in accordance with the list of assessments as presented by the County Engineer; for each parcel of land, each public corporation and each department, office, or institution of the State of Ohio as given; and,

BE IT FURTHER RESOLVED that the County Auditor is hereby directed to place unpaid assessments, after due payment period, on the County tax duplicates.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
30th day of
March, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman, yes
John N. Bergman

Douglas A. Speneer, yes
Douglas A. Speneer

Don Regula, yes
Don Regula

✓ cc: County Engineer

DITCH CONTRACT

Revised Code, Sec. 6131.41

In the Matter of the

RITTER #2 DITCH

SINGLE County Ditch Petitioned for by SENATE BILL 160 PROJECT and others.

THIS AGREEMENT made and entered into on this 3RD day of March 2017.

by and between the County Commissioners of AUGLAIZE COUNTY, Ohio, and hereinafter designated as "First Party," and SAND RIDGE EXCAVATING INC. of 20251 ROAD I-17, CLOVERDALE, OHIO 45827 hereinafter designated as "Second Party."

WITNESSETH, THAT SAID "SECOND PARTY," For and in consideration of the sum Of THIRTY THREE THOUSAND FORTY FIVE DOLLARS AND 84/100 (\$ 33,045.84) Dollars, to be paid as hereinafter specified, hereby agree to furnish unto said "First Party." all the necessary materials, and do all the work and labor required to construct the RITTER #2 DITCH improvement petitioned for by SENATE BILL 160 PROJECT and others, in accordance with plans, drawings and specifications for the same hereto attached, which plans, drawings and specifications are hereby declared to be a part of this contract.

Said "Second Party" further agrees to furnish said materials and to do the said work and labor promptly, in a good substantial and workmanship manner, under the direction of the County Engineer in charge, without hindrance or delay to any other branch or class of work on said RITTER #2 DITCH and to work in harmony with and to render such assistance to other branches of work as their connection therewith and the progress of the RITTER #2 DITCH may require. The whole to be completed to the satisfaction and acceptance of said "First Party" on or before the 31st day of DECEMBER, 2017, AND SAID "FIRST PARTY," for and in consideration of the true and faithful performance of said work and labor and furnishings of said materials as aforesaid, hereby agree to pay unto the said "Second Party" said sum of THIRTY THREE THOUSAND FORTY FIVE DOLLARS AND 84/100 (\$ 33,045.84) Dollars, in installment from time to time, upon the certificate of acceptance of the County Engineer and as provided by law.

Now if the said SAND RIDGE EXCAVATING INC.
of 20251 ROAD I-17, CLOVERDALE, OHIO 45827
shall faithfully perform and complete such work and labor and furnish such materials within the time and as
above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans,
descriptions and specifications required and made a part of said Contract, then this obligation shall be void;
otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of _____ signed
Carolyn Egan

Shirley Embury _____
witness
SAND RIDGE EXCAVATING
company

_____ street
20251 Rd. I-17

_____ city, state, zip
Cloverdale OH 45827

The above Contract being good and sufficient is approved this *30th* day of *March*, 2017.

_____ commissioner
John N. Bergman

_____ commissioner
Douglas

_____ commissioner
Don Reynolds

BOND OF DITCH CONTRACTOR

Revised Code, Sec. 6131.42

In the Matter of the RITTER #2 DITCH

Single County Ditch No.

ON CONTRACT FOR WORK AND LABOR
AND MATERIALS

Petitioned for by SENATE BILL 160 PROJECT *and others*

KNOW ALL MEN BY THESE PRESENTS, *That we*, SAND RIDGE EXCAVATING INC.

of 20251 ROAD I-17 CLOVERDALE, OHIO 45827, *as Principal, and*

MERCHANTS BONDING COMPANY (MUTUAL), *as sureties, are held and firmly*

bound unto the state of Ohio for the benefit of AUGLAIZE COUNTY *and for the benefit of*

any owner having a right of action thereon as is provided by law, in the penal sum of THIRTY THREE

THOUSAND FORTY FIVE DOLLARS AND 84/100 (\$ 33,045.84) Dollars, WHICH IS

100% OF THE DITCH CONTRACT, *to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.*

Signed by us, and dated this 30th *day of* March *,* 2017.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT, *whereas, the above Bound*

SAND RIDGE EXCAVATING INC. of 20251 ROAD I-17, CLOVERDALE, OHIO 45827

have entered into a Contract with said Board of County Commissioners, First, to furnish the materials and

perform the work and labor for the construction of the RITTER #2 DITCH *improvement*

petitioned for by SENATE BILL 160 PROJECT *and others specified in said Contract, to*

the satisfaction and acceptance of the County Engineer, on or before the 31st *day of* DECEMBER,

2017, *for the compensation* THIRTY THREE THOUSAND FORTY FIVE DOLLARS AND

84/100 (\$ 33,045.84) Dollars. (DITCH CONTRACT AMOUNT).

Second, to save the County from any loss caused by delay in completing the work or furnishing the material within the time and in the manner expressed in the contract, bid and specifications;

Third, for the payment of claims of any person, arising out of the unlawful acts or negligence of the contractor in the performance of his contract;

And Forth, to perform the contract in the time stated in the contract, to furnish and use in the improvement all materials of the grade, kind and quality as stated in the contract and specifications; and to construct the improvement in the manner stated in the contract and specifications.

Now if the said SAND RIDGE EXCAVATING INC.

of 20251 ROAD I-17, CLOVERDALE, OHIO 45827

shall faithfully perform and complete such work and labor and furnish such materials within the time and as above specified and conditioned, according to the tenor of said Contract, and in accordance with the plans descriptions and specifications required and made a part of said Contract, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

Executive in Presence of

Cadya Etter
Signed

Heidi Brubaker
witness

SAND RIDGE EXCAVATING
company

20251 Rd. I-17
street

witness

Cloverdale, OH 45827
city, state, zip

The above Bond being good and sufficient is approved this 30th day of March, 2017.

John N. Benjamin
commissioner

D. A. S.
commissioner

D. R. R.
commissioner

IN THE MATTER OF RATIFYING THE EXECUTION OF AN AGREEMENT BETWEEN AUGLAIZE COUNTY BOARD OF COUNTY COMMISSIONERS AND KELLY KNUTZEN FOR MOWING AND TRIMMING SERVICES AT THE UNIOPOLIS SEWER PLANT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of March, 2017.

Commissioner Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, an agreement was presented to the Board of County Commissioners which sets forth terms and conditions for said mowing and trimming services at the Uniopolis sewer plant; this agreement is between the Auglaize County Board of County Commissioners and Kelly Knutzen, effective March 31, 2017 through and including November 30, 2017 at the rate of \$55.00 per trip.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio does hereby approve and does authorize the Board to execute the agreement between the Auglaize County Board of County Commissioners and Kelly Knutzen for mowing and trimming services as specified.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
30th day of
March, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Doug A. Spencer
Doug A. Spencer

Don Regula
Don Regula

✓ cc: Kelly Knutzen
✓ Sanitary Engineer – Doug Reinhart


SERVICE AGREEMENT

This agreement is made and entered into this 30th day of March, 2017, by and between the AUGLAIZE COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as the "County" and MR. KELLY KNUTZEN hereinafter referred to as "Contractor" upon the following terms and conditions:

1. Contractor agrees to provide mowing and trimming services at the Uniopolis sewer plant. The Contractor agrees to mow on each side of the drive at the sewer plant, up to and including 30 feet from the center of the drive on each side, the area included inside the fence and the east half of the ground owed by the County south of the driveway (the "Mowing Area"). The area to be maintained by the Contractor is more fully depicted on Exhibit A hereto.
2. Mowing and trimming shall begin as soon as the grass in the Mowing Area reaches a height of three inches. The Mowing Area shall thereafter be mowed and/or trimmed as needed so that the grass shall be maintained at or below three inches in height, until the expiration of the term of this Service Agreement. The Contractor shall also mow and trim the Mowing Area upon the request of the County regardless of the grass height.
3. In consideration of the services performed by Contractor, the County shall pay the Contractor Fifty-Five Dollars (\$55.00) per trip. Under this Service Agreement a "trip" shall mean a complete mowing and trimming of the Mowing Area. Contractor shall invoice the County on a monthly basis with appropriate details for each trip included within the invoice period. The invoices shall be sent to the following address:

Auglaize County Engineer
1014 South Blackhoof Street
Wapakoneta, OH 45895

4. The term of this Service Agreement shall be from March 31, 2017 through and including November 30, 2017.
5. Contractor agrees to indemnify, defend and hold harmless the County against any and all claims, demands, suits, lawsuits, including cost connected therewith for any damages that may be assessed, claimed or recovered against or from the County or any elected or appointed official, employee, volunteer, agent or all others working on behalf of the County by reason of personal injury, including bodily injury, death, and/or property damage in any way connected or associated with this Service Agreement or any acts of the Contractor hereunder.
6. Contractor shall be responsible for Workers Compensation coverage for himself and those doing work on his behalf. Contractor will provide the County with proof of coverage and liability insurance as well as required licenses upon the request of the County.




Kelly Knutzen


Board of County Commissioners
Auglaize County, Ohio

By: 

John N. Bergman



Douglas A. Spencer



Don Regula

Exhibit A

County Commissioners Office
Auglaize County, Ohio
March 30, 2017

No. 17-147

IN THE MATTER OF DESIGNATING NEWLY ANNEXED AREAS OF THE CITY OF ST. MARYS AS PART OF THE CITY'S RURAL ENTERPRISE ZONE.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 30th day of March, 2017.

Commissioner Spencer moved the adoption of the following

RESOLUTION

WHEREAS, the Board of County Commissioners did adopt a Resolution on February 20, 1990 designating the geographical area of the City of St. Marys as a Rural Enterprise Zone; and,

WHEREAS, in 2009 the City of St. Marys did request and was granted an expansion of the originally designated area to include 91.983 acres known as the St. Marys Board of Education property; and,

WHEREAS, the Council of the City of St. Marys is again requesting the Board to designate newly annexed areas of the City as part of the City's Rural Jobs and Enterprise Zone; and,

WHEREAS, the specified area would include 32.402 acres known as the St. Marys Missionary Baptist Church, New Community Church of St. Marys property located on the South side of County Road 33A, East of New Knoxville Avenue; and,

WHEREAS, the Board has determined this area qualifies as part of the City's Rural Enterprise Zone.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby designate the specific aforementioned newly annexed properties within the City of St. Marys as part of the City's Rural Enterprise Zone; and,

BE IT FURTHER RESOLVED that the Clerk of the Board to be hereby authorized and directed to provide a certified copy of this Resolution to the City of St. Marys and, thereby, the City will deliver said certified copy of the Resolution to the Ohio Development Services Agency.

Commissioner Regula seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
30th day of
March, 2017

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

Don Regula
Don Regula

- ✓cc: City of St. Marys – Mike Burkholder
- ✓ County Auditor – Janet Schuler
- ✓ Ohio Development Services Agency (certified)

CERTIFICATION

I, as Clerk of the Board of County Commissioners, Auglaize County, Ohio, do hereby certify that the attached is a true and correct copy of Resolution No. _____ passed by the Board of County Commissioners of Auglaize County, Ohio, on March 30, 2017.

Esther Leffel, Clerk
Board of County Commissioners
Auglaize County, Ohio

Dated: _____

OHIO ENTERPRISE ZONE PROGRAM PETITION FOR ZONE CERTIFICATION

1. County or Municipal Applicant: Auglaize County
Name: City of St. Marys Enterprise Zone Certification
Address: 209 South Blackhoof Street, Room 201 Wapakoneta, OH 45395
Telephone Number: 419-739-6710 Fax Number: 419-739-6711
Contact/Title: Esica Preston, Auglaize County Administrator
E-mail: eprestone.auglaizecounty.org
2. Designated Enterprise Zone Manager (Ohio Development Services Agency recommends a full-time staff person other than an elected official).
Name/Title: Michael Burkholder, Manager of Industrial/Community Development
Organization: City of St. Marys, Ohio
Address: 101 E. Spring St. St. Marys, OH 45885
Telephone Number: 419-300-3117 Fax Number: 419-394-2452
E-mail: m Burkholder@cityofstmarys.net

3. Enterprise Zone Authority Requested:

- 5709.62 MSA Principal City or Designated Urban Cluster City - distress based (full authority)
- 5709.63 County designated distressed based (full authority)
- 5709.632 (A) (1) Non-distress based MSA Principal City or Designated Urban Cluster City (limited authority)
- 5709.632 (A) (1) Non-distress based County designated (limited authority)**

77 South High Street 614 | 466 2480
P.O. Box 1001 800 | 848 1300
Columbus, Ohio 43216-1001 U.S.A. www.development.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services

4. Name and population of each city, village, or township included in the proposed zone:

City of St. Marys - 8,324 (2010 Census)

5. Total population of proposed zone (itemized by each participating local jurisdiction):

8,324

6. Enterprise Zones proposed in MSA Principal Cities and Appalachian Counties need only document one of the following distress criteria; all others must document two. Please identify which of the distress criteria the proposed zone meets:

 5709.61 (A) (1) (c) - concentrated unemployment - at least 125% of the state average over the past 12 months.

 5709.61 (A) (1) (d) - prevalence of commercial or industrial structures that are vacant or demolished or are vacant and tax delinquent.

 5709.61 (A) (1) (e) - population loss of at least 10% between 1980 and 2000.

 5709.61 (A) (1) (f) - concentrated low-moderate income area. 51% of residents have incomes less than 80% of area's medium income.

 5709.61 (A) (1) (g) - specific vacant industrial facilities.

 5709.61 (A) (1) (h) - tax capacity of school district is less than 70% of the state average weighted for per capita income.

Source documentation verifying the proposed zone meets the specific distress criteria must be attached. Please review the attached Ohio Development Services Agency Distress Criteria Worksheet.

7. Attach appropriate Legislative Authorization - an ordinance and/or resolution authorizing the creation of an Enterprise Zone for each jurisdiction participating in the proposed zone must be included. Ohio Development Services Agency suggests the local jurisdictions review the attached sample ordinances and resolutions and incorporate the major elements into the local legislation. Each ordinance/resolution must be certified by the appropriate authority. Note that county designated zones must include consistent legislation from both the local jurisdiction(s) and the county.

8. School District/Board of Education Participation
 - a. Attach identification of each Board of Education with jurisdiction within the area designated as the proposed zone. Include a contact person, title, address, and phone number for each.
 - b. Attach evidence that the Board of Education has been informed of the Enterprise Zone Program notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. (Ohio Development Services Agency suggests a certified letter to the Board of Education).
 - c. Proposed zones that include incorporated areas with local income tax provisions should develop a procedure in conjunction with the Board of Education to direct the discussion and agreement on project specific revenue sharing arrangements (attach copy of procedure) (city, local, or exempted village school districts only).
 - d. Optional - Board of Education Resolution - outlining involvement of Board of Education in the Enterprise Zone Program and any negotiated revenue sharing agreements with the local governments - see attached sample.
9. Attach a map of the proposed zone that clearly outlines:
 - a. local political subdivision boundaries
 - b. proposed Enterprise Zone boundary
 - c. vacant/developable land
 - d. existing major businesses
 - e. relevant information to verify distress documentation - i.e., Census tracts/block groups, street names, and school district boundaries. More than one map may be attached.
10. Attach as Exhibit B a written description of the proposed zone boundary. A legal description is not necessary. However, the manner of the description must conform to the information on the map of the proposed zone.
11. Attach a list of contact people including the name, title, address, and phone numbers of the:
 - a. County Auditor;
 - b. the Township Clerk and Trustees for each participating township;
 - c. all County Commissioners (for County-designated zones);
 - d. the city/village Mayor/CEO or Administrator for each participating municipality;
 - e. State Representative(s); and
 - f. State Senator(s).

This petition is authorized to be submitted to the Ohio Development Services Agency. All information contained herein is accurate to the best of my knowledge.

John N Bergman

March 30, 2017

Signature of MSA Principal City or Designated Urban
Cluster City CEO or President of the Board of County Commissioners
John N. Bergman, President
Board of Auglaize County Commissioners

Date

Typed Name and Title

List of Contacts For
St. Marys Enterprise Zone
(updated March 2017)

Patrick McGowan, Mayor
City of St. Marys
101 E. Spring St.
St. Marys, OH 45885
Phone: 419-394-3303
Fax: 419-394-2452

Erica Preston, Administrator
Auglaize County
209 S. Blackhoof St., Room 201
Wapakoneta, OH 45895
Phone: 419-739-6710
Fax: 419-739-6711

Gregory Foxhoven, Safety-Service Director
City of St. Marys
101 E. Spring St.
St. Marys, OH 45885
Phone: 419-394-3303
Fax: 419-394-2452

Howard Overman, Interim Superintendent
St. Marys City Schools
101 W. South St.
St. Marys, OH 45885
Phone: 419-394-4312
Fax: 419-394-5638

Janet Schuler, County Auditor
Auglaize County
209 S. Blackhoof St., Room 102
Wapakoneta, OH 45895
Phone: 419-739-6705
Fax: 419-739-6706

Cliff Hite, Ohio Senator
Senate Building
1 Capital Square, 1st Floor
Columbus, OH 43212
Phone: 614-466-8150

Ron Sudman, Clerk
St. Marys Township
10752 Ohio 364
St. Marys, OH 45885
Phone: 419-394-5582

Craig Riedel, Ohio House Representative
77th S. High St.
11th Floor
Columbus, OH 43215
Phone: 614-644-5091

Steve Schamp, Clerk
Noble Township
16586 County Road 66A
St. Marys, OH 45885
Phone: 419-394-2531

**Tax Incentive Review Members
(Updated March 2017)**

**Doug Riesen, Auditor
City of St. Marys
101 E. Spring St.
St. Marys, OH 45885
Phone: 419-394-3303**

**Ken Koverman
2nd Ward Councilor
City of St. Marys
101 E. Spring St.
St. Marys, OH 45885
Phone: 419-394-3303**

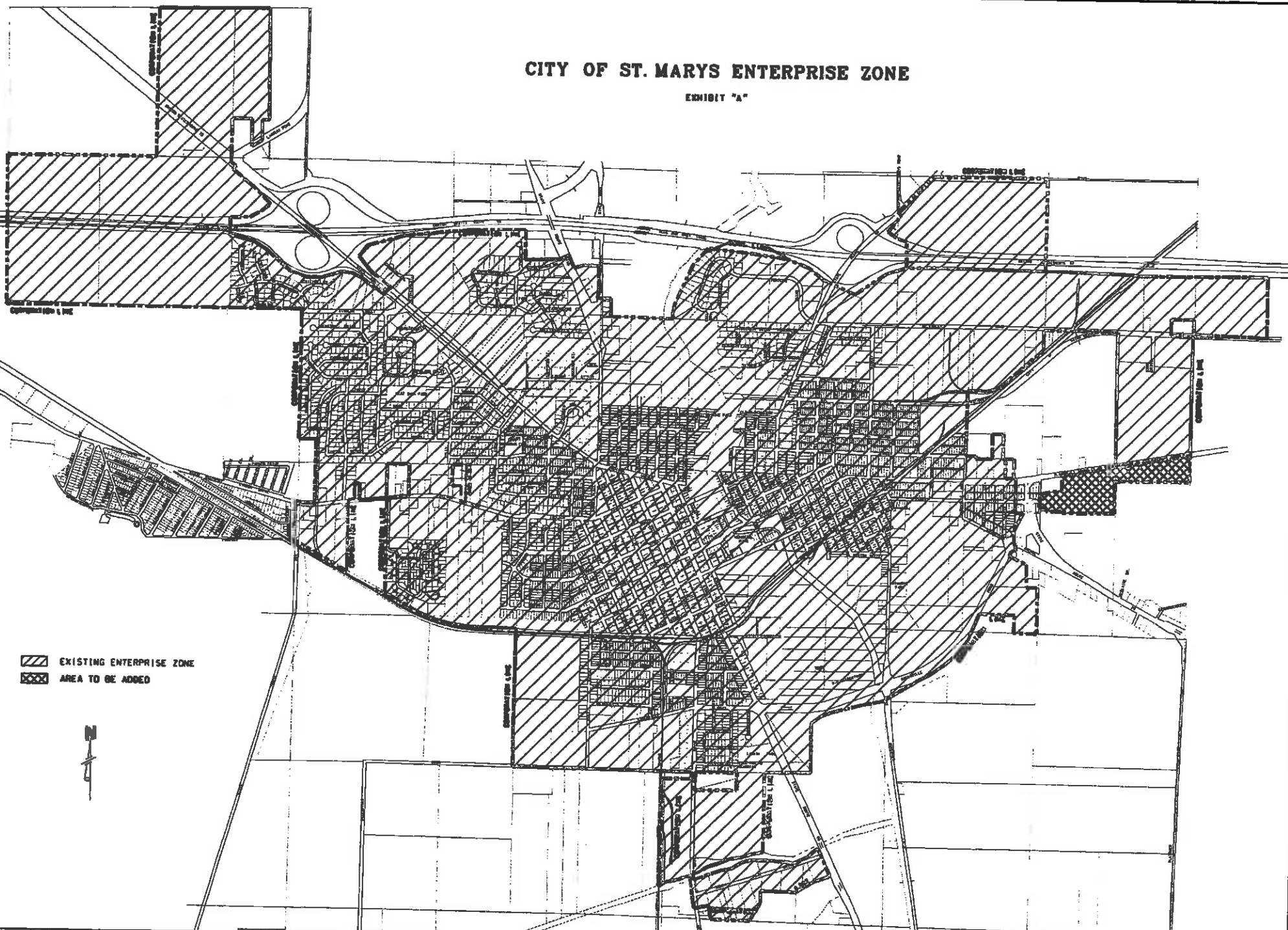
**Mike Burkholder, Manager of Industrial and Community Development
City of St. Marys
101 E. Spring St.
St. Marys, OH 45885
Phone: 419-300-3117**

**Howard Overman, Interim Superintendent
St. Marys City Schools
101 W. South St.
St. Marys, OH 45885
Phone: 419-394-4312**

**Auglaize County Commissioners
John Bergman
Don Regula
Doug Spencer
209 S. Blackhoof St., Room 201
Wapakoneta, OH 45895
Phone: 419-739-6710
Fax: 419-739-6711**

CITY OF ST. MARYS ENTERPRISE ZONE

EXHIBIT "A"



EXISTING ENTERPRISE ZONE
AREA TO BE ADDED



Parcel Data



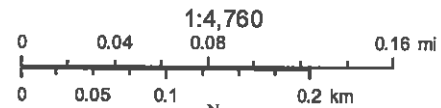
March 23, 2017

PARID
OWNER
ADDRESS
LEGAL
SECTION_ TOWN RANGE

VOL PAGE
SURVEY
MAIL_OWNER
PADDR1
PADDR2
PADDR3



Tax Map/GIS Mapping
Auglaize County
209 S. Blackhoof Street
Wapakoneta, Ohio 45895



Auglaize County GIS

ORDINANCE NO. 2011-30

**AN EMERGENCY ORDINANCE ANNEXING A
CERTAIN TERRITORY PETITIONED BY OWNERS
ST. MARYS MISSIONARY BAPTIST CHURCH, NEW COMMUNITY CHURCH
AND JOHN R. HIRSCHFELD, CONTAINING 32.402 ACRES, MORE OR LESS,
IN ST. MARYS TOWNSHIP TO THE CITY OF ST. MARYS**

WHEREAS, a petition for the annexation of certain territory in St. Marys Township was duly filed on behalf of the owners, St. Marys Missionary Baptist Church, New Community Church and John R. Hirschfeld, on the 30th day of August, 2011, pursuant to Ohio Revised Code 709.023; and,

WHEREAS, in Resolution No. 2011-13 Council consented to the annexation of the property proposed for annexation on September 12, 2011, and,

WHEREAS, the Board of County Commissioners approved the annexation of the property petitioned by St. Marys Missionary Baptist Church, New Community Church and John R. Hirschfeld to the City of St. Marys, Ohio, on September 27, 2011, by Resolution No. 11-357, as described in Exhibit "B"; and,

WHEREAS, the Board of County Commissioners sent the transcript of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Clerk of Council, who received the same on the 3rd day of October, 2011; and,

WHEREAS, sixty (60) days from the receipt of the transcript have now elapsed in accordance with the provisions of the Ohio Revised Code Section 709.023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That the proposed annexation as applied for in the petition of all of the owners of real estate to be annexed, and filed with the Board of County Commissioners of Auglaize County, Ohio, on the 30th day of August, 2011, and which petition prayed for annexation to the City of St. Marys, Ohio, of certain territory adjacent thereto as hereinafter described and which petition was approved for annexation to the City of St. Marys by the Board of County Commissioners on the 27th day of September, 2011, be and the same is hereby accepted. A legal description of the property petitioned for annexation is attached hereto as Exhibit "A".

SECTION 2. That the Clerk of Council be and she is hereby authorized and directed to make three (3) copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto. The Clerk shall then forthwith deliver one (1) copy to the County Auditor, one (1) copy to the County Recorder, and one (1) copy to the Secretary of State and shall file notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 3. That this is an emergency ordinance, the reason for the emergency is the immediate annexation of this property is necessary for the future development of the property, all of which is necessary for the health, safety, and welfare of the citizens of St. Marys; therefore, this ordinance shall take effect and be in full force immediately upon its passage.

Passed this 12th day of December, 2011.


Daniel R. Hoelscher, Jr., President of Council

ATTEST:


Debra Kable, Clerk of Council

Approved by the Law Director this 12th day of December, 2011.



Craig E. Noble, Law Director

Approved by the Mayor this 12th day of December, 2011.



Greg Freewalt, Mayor

**LEGAL DESCRIPTION
PROPOSED ANNEXATION TO THE
CITY OF ST. MARYS, OHIO**

EXHIBIT "A"

Being a part of the East ½ of Section 2, Town 6 South, Range 4 East, St. Marys Township, Auglaize County, Ohio, and being more particularly described as follows:

Beginning at the southeast corner of the northeast quarter of Section 2; thence North 89°01'17" West, along the south line of the northeast quarter of Section 2, a distance of one thousand three hundred twenty-two and 00/100 (1,322.00) feet to a point;

Thence, South 01°01'53" West, a distance of five hundred fifty-eight and 17/100 (558.17) feet to a point;

Thence, North 88°54'25" West, a distance of nine hundred thirty-six and 69/100 (936.69) feet to a point;

Thence, North 01°30'40" East, a distance of thirty-three and 00/100 (33.00) feet to a point;

Thence, North 88°48'24" West, a distance of two hundred fifty-seven and 67/100 (257.67) feet to a point;

Thence, North 02°34'05" East, a distance of sixty-four and 42/100 (64.42) feet to a point;

Thence, North 88°48'24" West, a distance of one hundred twenty-one and 50/100 (121.50) feet to a point on the west line of the southeast quarter of Section 2;

Thence, North 00°40'54" East, along the west line of the southeast quarter of section 2, a distance of two hundred thirty-four and 96/100 (234.96) feet to a point;

Thence, North 81°00'59" East, a distance of three hundred ninety-five and 00/100 (395.00) feet to a point;

Thence, North 00°40'54" East, a distance of three hundred and 00/100 (300.00) feet to a point on the legal centerline of County Road 33-A;

Thence, North 81°00'59" East, along the legal centerline of County Road 33-A, a distance of nine hundred forty-two and 50/100 (942.50) feet to a point;

Thence, North 81°01'53" East, along the legal centerline of County Road 33-A, a distance of one thousand three hundred forty-three and 75/100 (1,343.75) feet to a point on the east line of the northeast quarter of Section 2;

Thence, South 01°10'21" West, along the east line of the northeast quarter of Section 2, a distance of five hundred forty and 98/100 (540.98) feet to the place of beginning.

Containing 32.402 acres of land, more or less.

IN THE MATTER OF GRANTING AN ANNEXATION OF 32.402 ACRES, MORE OR LESS, TO THE CITY OF ST. MARYS FROM ST. MARYS TOWNSHIP; PETITIONED BY ST. MARYS MISSIONARY BAPTIST CHURCH, NEW COMMUNITY CHURCH OF ST. MARYS, OHIO INC. AND JOHN R. HIRSCHFELD; FILED BY TODD FLEAGLE, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 27th day of September, 2011.

Commissioner Regula

_____ moved the adoption of the following:

RESOLUTION

WHEREAS, on August 30, 2011, a petition for annexation of 32.402 acres, more or less, was filed as an Expedited Type 2, (ORC 709.023) with the Clerk of the Board of County Commissioners by Todd Fleagle, named as Agent for petitioner, St. Marys Missionary Baptist Church, New Community Church of St. Marys, Ohio Inc. and John R. Hirschfeld; and,

WHEREAS, said annexation petition was placed in the Commissioners' Journal 110, pages 163 - 170 on September 01, 2011 pursuant to ORC 709.023; and,

WHEREAS, the requirements for the filing of said petition were all met by Agent Fleagle, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.021.
- 2.) The person who signed the petition represents 100% of the owner of the property or the representative thereof; signature having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28); and,

WHEREAS, the petitioner requested that the special procedure be used and waived its right to appeal any action taken by the Board of County Commissioners; and,

WHEREAS, the following Conditions for Annexation under ORC 709.023 have been met:

- A. The petition meets all the requirements set forth in, and was filed in the manner provided in, ORC 709.021.
- B. The persons who signed the petition are owners of property located in the territory proposed to be annexed, and they constitute all owners in the territory.
- C. The territory proposed to be annexed does not exceed 500 acres.
- D. The territory proposed to be annexed shares a contiguous boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed.

Resolution – continued
Annexation to City of St. Marys
32.402 Acres

Petitioner: St. Marys Missionary Baptist Church, New Community Church of St. Marys,
Ohio Inc. and John R. Hirschfeld
September 27, 2011

- E. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed to be annexed.
- F. The municipality has agreed to provide the territory proposed to be annexed the services specified in the municipal services statement.
- G. If a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality has agreed as a condition of annexation to assume maintenance of that street or highway or to otherwise correct the problem; and,

WHEREAS, the Board determined that this annexation is in order, meeting all criteria.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 32.402 acres, more or less, to the City of St. Marys as petitioned by the St. Marys Missionary Baptist Church, New Community Church of St. Marys, Ohio Inc. and John R. Hirschfeld pursuant to ORC Section 709.023.

Commissioner Spencer seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
27th day of
September, 2011

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO


John N. Bergman


Douglas A. Spencer


Don Regula

cc: County Auditor
County Engineer
Todd Fleagle, Agent
St. Marys Township Trustees
City of St. Marys

ORDINANCE NO. 2012-15

AN ORDINANCE REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF AUGLAIZE COUNTY TO PETITION THE DIRECTOR OF THE OHIO DEPARTMENT OF DEVELOPMENT WITH THE CONSENT OF THE CITY OF ST. MARYS, TO DESIGNATE NEWLY ANNEXED AREAS OF THE CITY OF ST. MARYS AS PART OF THE RURAL JOBS AND ENTERPRISE ZONE

WHEREAS, on February 12, 1990, the City of St. Marys Council passed Ordinance No. 90-16 authorizing a Rural Jobs and Enterprise Zone within the Corporate Limits of the City of St. Marys and requested the Board of County Commissioners of Auglaize County to petition the Director of the Ohio Department of Development for designation of said zone; and,

WHEREAS, said zone was established in accordance with Ohio Revised Code Section 5709.632; and,

WHEREAS, the City of St. Marys wishes to include in the newly annexed area 32.40 acres located on the South side of County Road 33A, East of New Knoxville Avenue; and,

WHEREAS, this addition to the Enterprise Zone does not adversely affect the population and continuous boundary requirements as set forth by the State.


NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That the City of St. Marys Council hereby authorizes the County to include the newly annexed area to the City as part of the Enterprise Zone and that the boundary for the Enterprise Zone within the City of St. Marys shall be the corporation limits of the City as set forth in Exhibit "A".

SECTION 2. That the City of St. Marys will continue to adhere to the stipulations set forth in Ordinance No. 90-16 and the local guidelines for use in determining eligibility for tax abatement for properties located in the Enterprise Zone.

SECTION 3. That this ordinance shall take effect and be in full force at the earliest date provided by law.

Passed this 14th day of May, 2012


Daniel R. Hoelscher, Jr.
President of Council

ATTEST:


Debra Kable, Clerk of Council

Approved by the Law Director this 14th day of May 2012


Craig E. Noble, Law Director

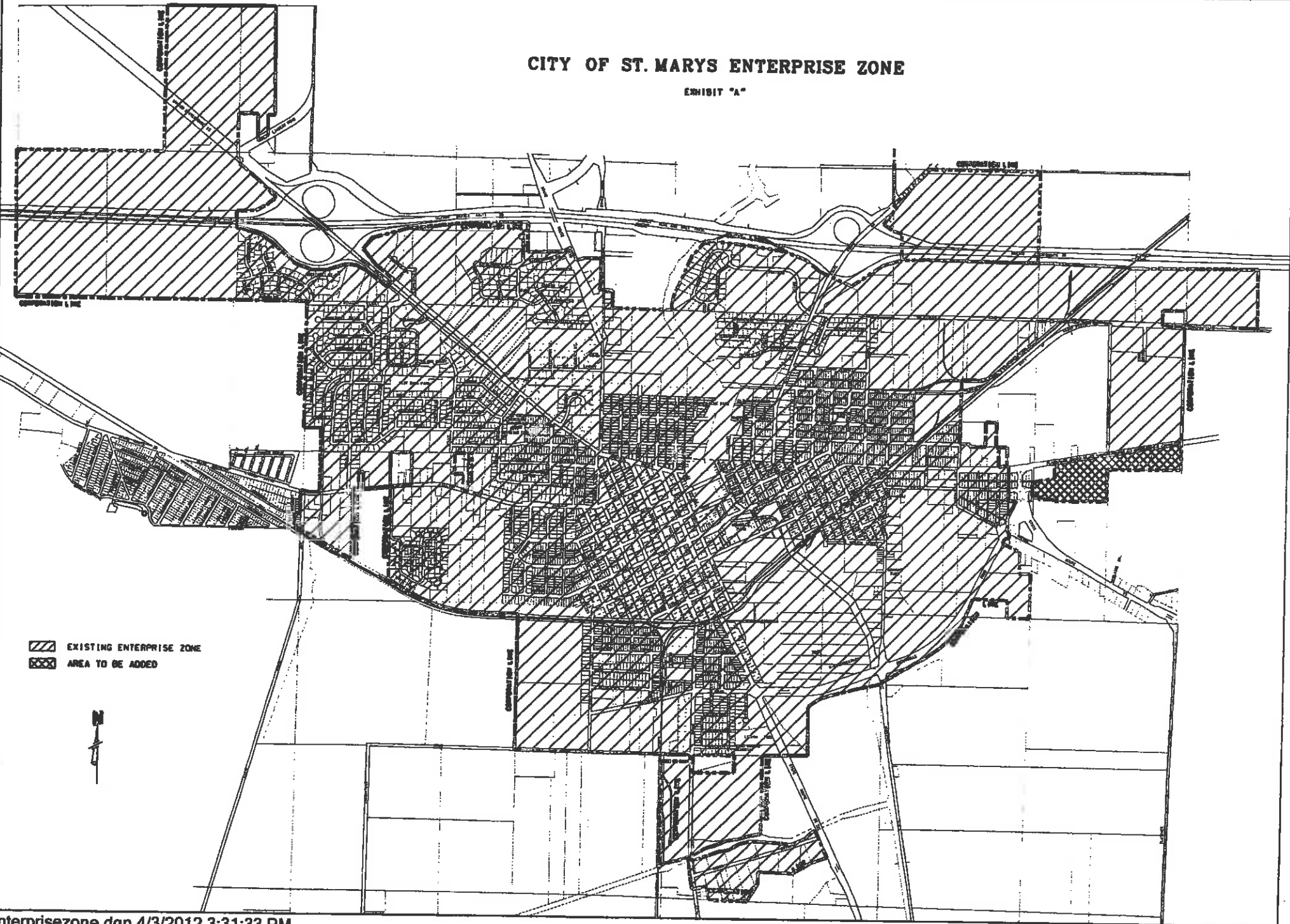
Approved by the Mayor this 14th day of May, 2012


Patrick McGowan, Mayor

KiUmchyJumhnanekexpansien of enterprise zone

CITY OF ST. MARYS ENTERPRISE ZONE

EXHIBIT "A"



- EXISTING ENTERPRISE ZONE
- AREA TO BE ADDED



AMENDED
ORDINANCE NO. 96-22

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR
OF PUBLIC SERVICE AND SAFETY TO ENTER INTO AN
AGREEMENT WITH THE ST. MARYS SCHOOL DISTRICT BOARD
OF EDUCATION TO PROVIDE TAX INCENTIVE PROGRAMS FOR NEW
AND EXISTING INDUSTRIES IN THE CITY OF ST. MARYS

WHEREAS, the St. Marys School District Board of Education has approved an agreement setting forth limits on tax incentives programs for new and existing industries; and,

WHEREAS, the goals of the tax incentive programs as used by the City of St. Marys are to create new job opportunities in the city, to retain current jobs in the city, to increase business investment in the city, and to increase both property and income tax revenues for the City and the School; and,

WHEREAS, the City and School have reviewed the tax incentive programs for the City of St. Marys and have reached agreeable terms.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That the Director of Public Service and Safety is hereby authorized to enter into an agreement with the St. Marys School District Board of Education for changes to the City of St. Marys Tax Incentive Programs.

SECTION 2. That this is an emergency ordinance, the reason for the emergency being that the implementation of this agreement is essential for the continued development of the City of St. Marys, all of which is necessary for the health, safety, and welfare of the citizens of St. Marys; therefore, this ordinance shall take effect and be in force immediately upon its passage.

Passed this 13th day of May, 1996.


Dean Stobler, President of Council


ATTEST:


Betty Wehrman, Clerk of Council

Approved by the Law Director this 15th day of May, 1996.


Kent E. Noble, Law Director

Approved by the Mayor this 15th day of May, 1996.


Greg Swartz, Mayor

CERTIFICATE OF PUBLICATION:

I hereby certify that Ordinance No. 96-22 was duly published in "The Evening

Leader" on _____ and _____, 1996.

Betty Wehrman, Clerk of Council

TAX INCENTIVE PROGRAM AGREEMENT

BETWEEN

ST. MARYS CITY SCHOOL DISTRICT BOARD OF EDUCATION

AND

CITY OF ST. MARYS, OHIO

This tax incentive agreement (the "Agreement") is made and entered into as of the 17th day of April, 1996, by and between the **CITY OF ST. MARYS, OHIO**, an Ohio Municipal corporation, (the "CITY") and the **ST. MARYS CITY SCHOOL DISTRICT BOARD OF EDUCATION** (the "SCHOOLS").

RECITALS

Whereas, Senate Bill 19 was passed by the Ohio General Assembly and amended various tax incentive programs previously used throughout the State of Ohio and in the City of St. Marys, and;

Whereas, said legislation became effective July 1, 1994, and;

Whereas, the goals of the tax incentive programs as used by the City of St. Marys are as follows:

1. To create new job opportunities in the City;
2. To retain current jobs in the City;
3. To increase business investment in the City;
4. To increase both property and income tax revenues in the City.

Whereas, the provisions of the Senate Bill 19 grant additional input to Boards of Education as it relates to the granting of tax incentives, and;

5. Require the use of the Auglaize County Enterprise Zone Guidelines effective September 13, 1994, under Resolution No. 94-635 as the guidelines to determine the eligibility of a PROJECT, including the qualification standards set forth in said resolution. If the County Commissioners reduce minimum qualification standards for "substantial investment" the City and Schools will reconvene to review the changes in order to determine if these changes are both acceptable to the Schools and City for local projects. Current County "substantial investment" states that a PROJECT must net to the Schools the amount of \$2,500 per year after the tax incentive in order to qualify as a "substantial investment".
6. Will refrain from expanding existing Community Reinvestment Areas or creating any new Community Reinvestment Areas.
7. Agree to meet with the Schools to discuss tax incentives percentages and terms which are beyond the agreed limits which may be needed in order to attract an industrial prospect to our community.

The Schools Shall:

1. Waive the right to share new income tax revenue for PROJECTS receiving tax incentives under the City's Enterprise Zone and Community Reinvestment Area Tax Incentive Program.
2. Agree to meet with the City to discuss tax incentives above the agreed limit which may be needed in order to attract a specific industrial prospect to our community which because of its size and/or scope is unusual in nature.. This meeting will be to negotiate terms regarding all new anticipated taxes to be received as a result of such a PROJECT as well as costs involved by the City and/or School to accommodate the new industry.

The Board will meet directly with representatives of the City and a prospective industrial employer to discuss abatement percentages which exceed the limits of the Enterprise Zone formula, sharing of income tax revenue, and other possible means by which the Board can receive compensation for potential revenue lost due to an abatement agreement which exceeds the limits set forth in this agreement.

The Schools hereby designate the Superintendent of Schools as the person to receive all official notifications regarding proposed tax incentives for PROJECTS qualifying under the Enterprise Zone and Community Reinvestment Area Guidelines.

It is agreed by the City and Schools that PROJECTS choosing to use the abatement Community Reinvestment Area Tax Incentive Program in lieu of an Enterprise Zone agreement will not be subject to a split of income tax revenues.

This Agreement constitutes the entire Agreement of the parties with respect to the subject matter herein. Any waiver, alteration, amendment, or modification of any portion of this Agreement shall not be valid unless in writing and signed by both parties hereto, and having been formally approved by St. Marys City Council and St. Marys City School District Board of Education.

Should any provision of this Agreement or the application thereof, to any extent be held invalid or enforceable by a court of competent jurisdiction, the remainder of this Agreement, or alternative applications thereof, shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent provided by law or equity. Further, should any provision of this Agreement be held invalid or enforceable by reason of any excessive scope, restriction, or obligation, such provision shall be reformed in writing to retain such scope, restriction, or obligation to the fullest extent deemed valid and enforceable.

In Witness Whereof, the parties have executed this Agreement as of the day and year first above written.

St. Marys City School District Board of Education

By: Jayce Finken
President

By: Al Langguth
Treasurer

City of St. Marys, Ohio

By: Michael L. Wendock
5-15-16
Director of Public Service and Safety

Approved as to Form:

By: Kraig E. Noble
Craig E. Noble, Law Director