

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 5th day of March, 2009.

Commissioner Regula 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, the Council of the City of St. Marys has requested the Board to designate newly annexed area of the City as part of the City's Rural Jobs and Enterprise Zone; and,

WHEREAS, the specified area would include 91.983 acres known as the St. Marys Board of Education property located North of the South right-of-way line of US 33, South of Shipman Road between SR 66 and the Doseck property; 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 property 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 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 Department of Development.

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

Adopted this
5th day of
March, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

<u>Douglas A. Spencer</u>	<u>yes</u>
Douglas A. Spencer	
<u>Don Regula</u>	<u>yes</u>
Don Regula	
<u>John N. Bergman</u>	<u>yes</u>
John N. Bergman	

cc: City of St. Marys – Todd Fleagle
County Auditor – Janet Schuler
Ohio Department of Development - (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. 09-85 passed by the Board of County Commissioners of Auglaize County, Ohio, on March 5, 2009.

Connie Cordonnier, Clerk
Board of County Commissioners
Auglaize County, Ohio

Dated: _____

OHIO DEPARTMENT OF DEVELOPMENT

Ted Strickland
Governor

Lee Fisher,
Director

**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 S. Blackhoof Street, Room 201, Wapakoneta, Ohio 45895
Telephone Number: 419-739-6710 Fax Number: 419-739-6711
Contact/Title: Joe Lenhart, Auglaize County Administrator
E-mail: _____

2. Designated Enterprise Zone Manager (ODOD recommends a full-time staff person other than an elected official).
Name/Title: Todd A. Fleagle, Manager of Industrial and Community Development
Organization: City of St. Marys, Ohio
Address: 101 E. Spring Street, St. Marys, Ohio 45885
Telephone Number: 419-394-3303, ext. 1-3117 Fax Number: 419-394-2452
E-mail: tfleagle@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) (2) Non-distressed based County designated (limited authority)

4. Name and population of each city, village, or township included in the proposed zone:
City of St. Marys - 8,342 (2000 Census)

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

8,342

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 ODOD Distress Criteria Worksheet.

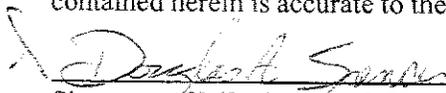
7. Attach appropriate Legislative Authorization - an ordinance and/or resolution authorizing the creation of an Enterprise Zone for each jurisdiction participating in the proposed zone must be included. ODOD suggests the local jurisdictions review the attached sample ordinances and resolutions and incorporate 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. (ODOD 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 tracks/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 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)
 - f. State Senator(s)

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



Signature of MSA Principal City CEO or
President of the Board of Council Commissioners
X Douglas A. Spencer, President
Board of Auglaize County Commissioners

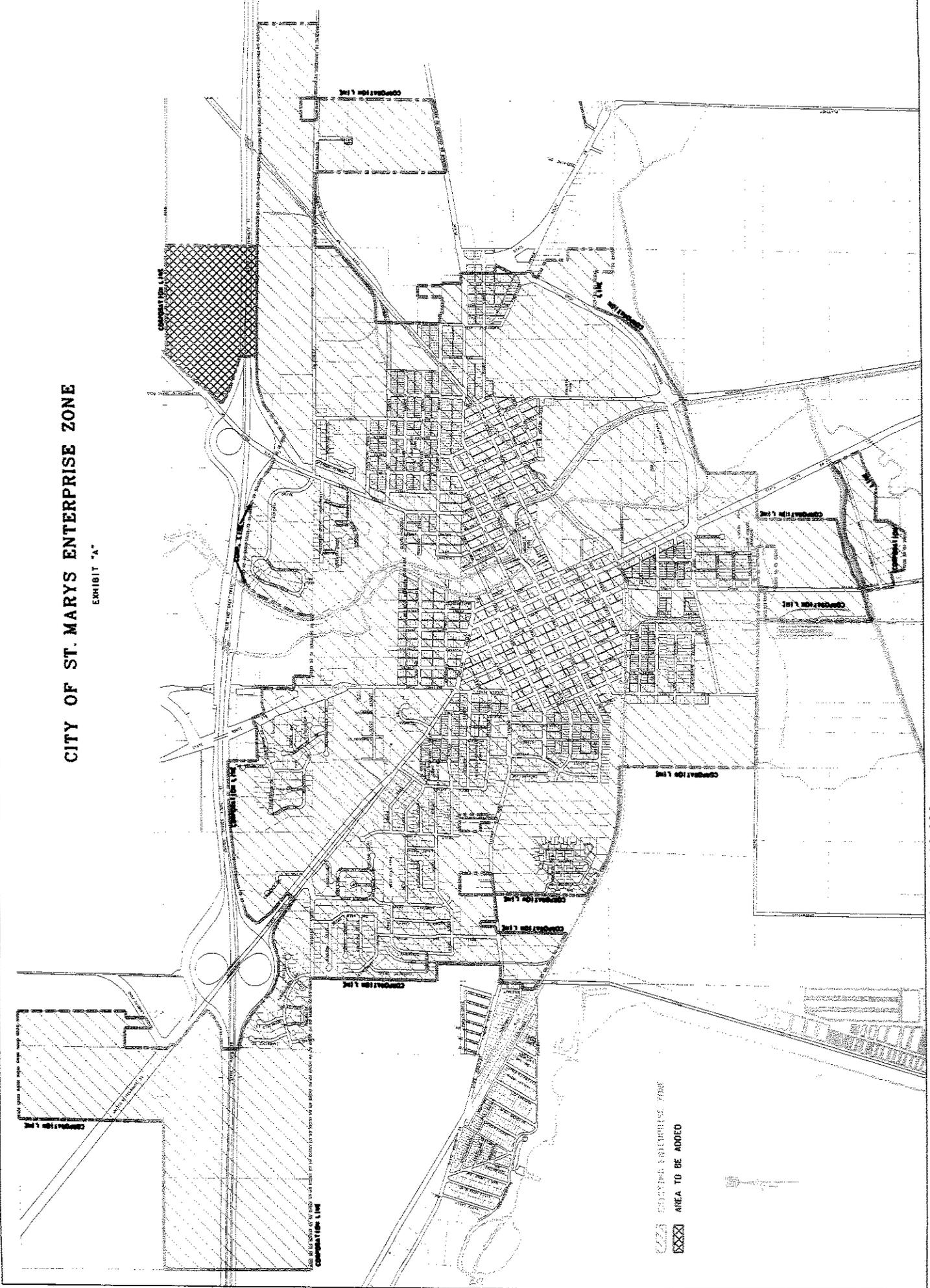
Type Name and Title

March 5, 2009

Date

CITY OF ST. MARYS ENTERPRISE ZONE

EXHIBIT "A"



**LIST OF CONTACTS FOR
ST. MARYS ENTERPRISE ZONE
Updated December 2008**

Greg Freewalt, Mayor
City of St. Marys
101 E. Spring Street
St. Marys, Ohio 45885
Phone: 419-394-3303, ext. 112
Fax: 419-394-2452

Joe Lenhart, Administrator
Auglaize County
209 S. Blackhoof Street
Room 201
Wapakoneta, Ohio 45895
Phone: 419-739-6710
Fax: 419-739-6711

Thomas J. Hitchcock, DPSS
City of St. Marys
101 E. Spring Street
St. Marys, Ohio 45885
Phone: 419-394-3303, ext. 112
Fax: 419-394-2452

Mary Riepenhoff, Superintendent
St. Marys City Schools
101 W. South Street
St. Marys, Ohio 45885
Phone: 419-394-4312
Fax: 419-394-5638

Janet Schuler, Auditor
Auglaize County
209 S. Blackhoof Street
P.O. Box 34
Wapakoneta, Ohio 45895
Phone: 419-739-6705
Fax: 419-739-6706

Keith Faber, Senator
Ohio Senate
Statehouse
Columbus, Ohio 43215
Phone: 614-466-7584
Fax:

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

John Adams, Representative
Ohio House of Representatives
77 S. High Street
Columbus, Ohio 43215
Phone: 614-466-1507
Fax:

Steve Schamp, Clerk
Noble Township
16586 SR 66A
St. Marys, Ohio 45885
Phone: 419-394-2531
Fax:

Tax Incentive Review Members:

Doug Riesen, Auditor
City of St. Marys
101 E. Spring Street
St. Marys, Ohio 45885
Phone: 419-394-3303, ext. 109
Fax: 419-394-2452

Michael Kleinhenz, Councilman
1st Ward
City of St. Marys
101 E. Spring Street
St. Marys, Ohio 45885
Phone: 419-394-3303, ext. 112
Fax: 419-394-2452

Rees McKee
St. Marys Board of Education
101 W. South Street
St. Marys, Ohio 45885
Phone: 419-394-4312
Fax: 419-394-5638

Auglaize County Commissioners:

Don Regula
John Bergman
Doug Spencer
209 S. Blackhoof Street
Room 201
Wapakoneta, Ohio 45895
Phone: 419-739-6710
Fax: 419-739-6711

ORDINANCE NO. 2008-40

AN EMERGENCY ORDINANCE ANNEXING A CERTAIN TERRITORY PETITIONED BY OWNER ST. MARYS BOARD OF EDUCATION CONTAINING 91.983 ACRES, MORE OR LESS, IN NOBLE TOWNSHIP TO THE CITY OF ST. MARYS

WHEREAS, a petition for the annexation of certain territory in Noble Township was duly filed on behalf of the owner, St. Marys Board of Education, on the 19th day of June, 2008, pursuant to Ohio Revised Code 709.023; and,

WHEREAS, in Resolution No. 2008-15, Council consented to the annexation of the property proposed for annexation on June 23, 2008; and,

WHEREAS, the Board of County Commissioners approved the annexation of the property petitioned by St. Marys Board of Education to the City of St. Marys, Ohio, on July 15, 2008, by Resolution No. 08-270, 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 17th day of July, 2008; 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.

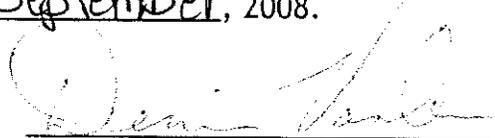
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

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 19th day of June, 2008, 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 15th day of July, 2008, 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 22nd day of September, 2008.



Daniel Hoelscher, President of Council Pro Tem
Dennis Vossler

ATTEST:

Betty Wehrman
Betty Wehrman, Clerk of Council

Approved by the Law Director this 22nd day of September, 2008.

[Signature]
Kraig E. Noble, Law Director

Approved this 22nd day of September, 2008.

[Signature]
Greg Freewalt, Mayor

This Ordinance prepared by Kraig E. Noble, Director of Law, 146 East Spring Street, St. Marys, OH 45885

CERTIFICATE OF PUBLICATION:

I hereby certify that Ordinance No. _____ was duly published in *The Evening Leader* on _____ and _____, 2008.

Betty Wehrman, Clerk of Council

EXHIBIT "A"

AREA PETITIONED FOR ANNEXATION TO
THE CITY OF ST. MARYS, OHIO, LOCATED IN THE
SOUTHEAST QUARTER OF SECTION 34, T5S, R4E (NOBLE TWP.),
AND THE SOUTHWEST QUARTER OF SECTION 35, T5S, R4E, (NOBLE TWP.),
AUGLAIZE COUNTY, OHIO, CONTAINING 91.983 ACRES, MORE OR LESS

DESCRIPTION

Being part of the Southeast quarter of Section 34, Town 5 South, Range 4 East, (Noble Township), and part of the Southwest quarter of Section 35, Town 5 South, Range 4 East, (Noble Township), Auglaize County, Ohio, and being more particularly described as follows:

Beginning at an iron bar in a monument box found at the Northeast corner of the Southwest quarter of Section 35, also being on the centerline of Shipman Road;

Thence, South $00^{\circ} 54' 23''$ West, along the East line of the Southwest quarter of said Section 35, a distance of one thousand six hundred nine and $45/100$ (1609.45) feet to a point on the South limited access right-of-way line of U.S. Route 33;

Thence, North $89^{\circ} 09' 23''$ West, along said South limited access right-of-way line of U.S. Route 33, a distance of two thousand two and $34/100$ (2002.34) feet to a point;

Thence, South $89^{\circ} 07' 31''$ West, along said South limited access right-of-way line of U.S. Route 33, a distance of five hundred and $38/100$ (500.38) feet to a point;

Thence, North $00^{\circ} 50' 37''$ East, crossing U.S. Route 33, a distance of four hundred fifteen and $00/100$ (415.00) feet to a point; said point being on the northerly limited access right-of-way line of U.S. Route 33;

Thence, North $56^{\circ} 09' 50''$ West, along the northerly limited access right-of-way line of U.S. Route 33, a distance of three hundred eighty-one and $76/100$ (381.76) feet to a point on the existing southerly right-of-way line of State Route 66;

Thence, North $39^{\circ} 20' 56''$ East, along the southerly right-of-way line of said State Route 66, a distance of three hundred eighty-two and $20/100$ (382.20) feet to a point;

Thence, North $44^{\circ} 11' 45''$ West, a distance of seventy-eight and $98/100$ (78.98) feet to a P.K. nail on the centerline of State Route 66;

Thence, North $46^{\circ} 16' 52''$ East, along the centerline of said State Route 66, a distance of nine hundred seventeen and $76/100$ (917.76) feet to a P.K. nail on the centerline of Shipman Road, also being on the North line of the said Southwest quarter of Section 35;

Thence, South $89^{\circ} 14' 02''$ East, along the centerline of said Shipman Road and the North line of said quarter section, a distance of one thousand nine hundred eighty-eight and $51/100$ (1988.51) feet to the place of beginning.

Containing 91.983 acres of land, more or less.

IN THE MATTER OF GRANTING AN ANNEXATION OF 91.983 ACRES, MORE OR LESS, TO THE CITY OF ST. MARYS FROM NOBLE TOWNSHIP; PETITIONED BY ST. MARYS BOARD OF EDUCATION; FILED BY KURT S. KUFFNER, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 15th day of July, 2008 with the following members present:

John N. Bergman Douglas A. Spencer Ivo J. Kramer

Mr. Spencer moved the adoption of the following:

RESOLUTION

WHEREAS, on June 19, 2008, a petition for annexation of 91.983 acres, more or less, was filed as an Expedited Type 2, (ORC 709.023) with the Clerk of the Board of County Commissioners by Kurt S. Kuffner, named as Agent for petitioner, St. Marys Board of Education; and,

WHEREAS, said annexation petition was placed in the Commissioners' Journal 106, pages 534 – 538 on June 24, 2008 pursuant to ORC 709.023; and,

WHEREAS, the requirements for the filing of said petition were all met by Agent Kuffner, 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 persons who signed the petition represent 100% of the owners 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
91.983 Acres
Petitioner: City of St. Marys Board of Education
July 15, 2008

- 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 91.983 acres, more or less, to the City of St. Marys as petitioned by the St. Marys Board of Education pursuant to ORC Section 709.023.

Mr. Kramer seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
15th day of
July, 2008

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John N. Bergman yes
John N. Bergman

Douglas A. Spencer YES
Douglas A. Spencer

Ivo J. Kramer YES
Ivo J. Kramer

cc: County Auditor
County Engineer
Kurt A. Kuffner, Agent
Noble Township Trustees
City of St. Marys

ORDINANCE NO. 2008-52

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, 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, St. Marys City Council wishes to include in the Enterprise Zone newly annexed areas to the City:

- A. 91.983 acres known as the St. Marys Board of Education property and US 33 road right-of-way, located North of the South right-of-way line of US 33, South of Shipman Road between SR 66 and the Doseck property.

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

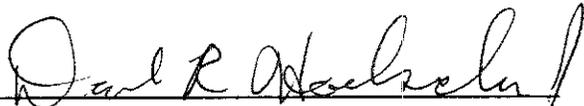
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF ST. MARYS, OHIO:

SECTION 1. That the St. Marys City 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".

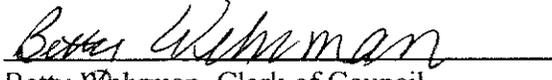
SECTION 2. That the City of St. Marys will continue to adhere to the stipulations set forth in Ordinance No. 90-16 and the local guidelines for use in determining eligibility for tax abatement for properties located in the Enterprise Zone.

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

Passed this 26th day of January, 2009.

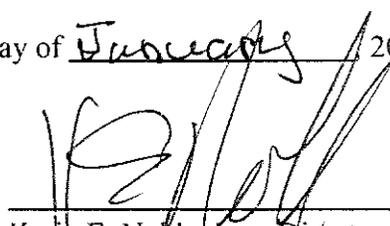

Daniel R. Hoelscher, Jr., President of Council

ATTEST:


Betty Wehrman, Clerk of Council

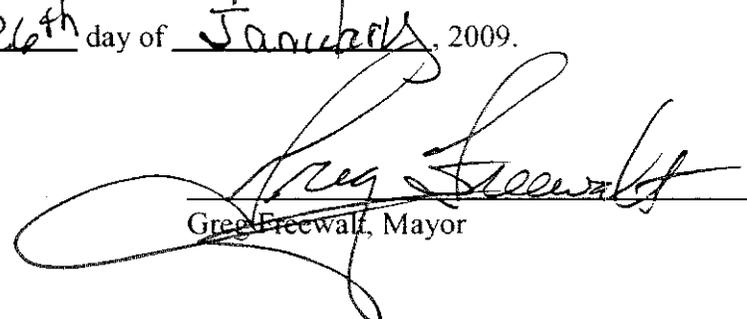
Ordinance No. 2008-52 con't.

Approved by the Law Director this 26th day of January, 2009.



Craig E. Noble, Law Director

Approved by the Mayor this 26th day of January, 2009.



Greg Freewalt, Mayor

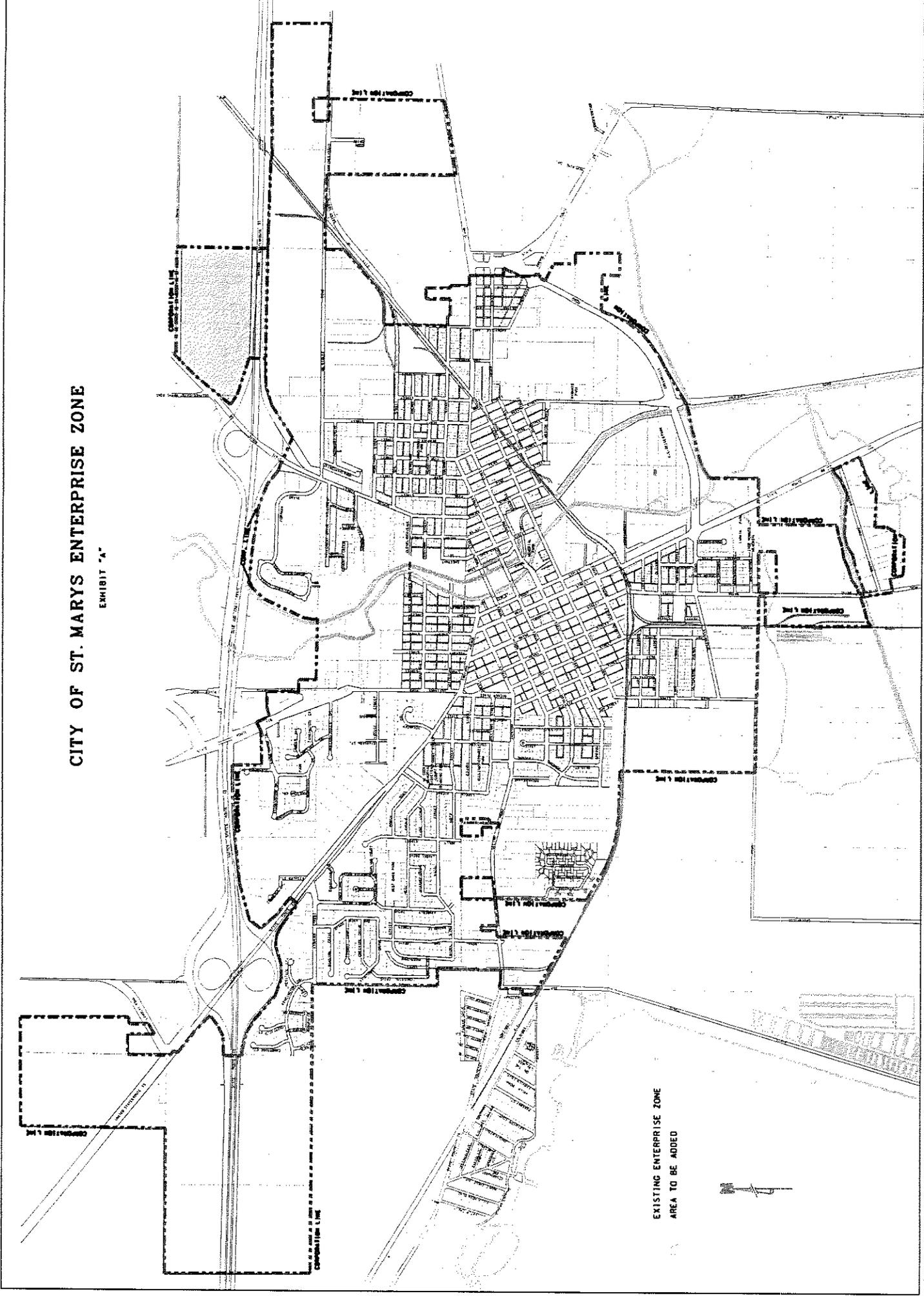
CERTIFICATE OF PUBLICATION:

I hereby certify that Ordinance No. 2008-52 was duly published in *The Evening Leader* on _____ and _____, 2009.

Betty Wehrman, Clerk of Council

CITY OF ST. MARYS ENTERPRISE ZONE

EXHIBIT "A"



**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.

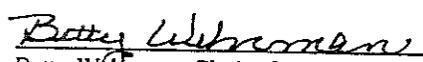
SECTION 2. That this is an emergency ordinance, the reason for the emergency being that the implementation of this agreement is essential for the continued development of the City of St. Marys, all of which is necessary for the health, safety, and welfare of the citizens of St. Marys; therefore, this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

Passed this 13th day of May, 1996.

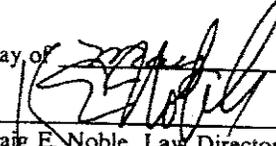


Dean Hobler, President of Council

ATTEST:

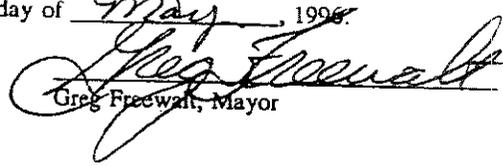

Betty Wehrman, Clerk of Council

Approved by the Law Director this 13th day of May, 1996.



Craig E. Noble, Law Director

Approved by the Mayor this 13th day of May, 1996.



Greg Freewalt, 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;

Whereas, the CITY and the SCHOOLS have determined that exemption from certain taxes under the Community Reinvestment Areas and the Enterprise Zone Program will encourage new construction, assist expansion of existing industry, create new jobs, and promote economic development within the City, all of which may be a part of a PROJECT, which is defined as an investment in new construction and/or equipment.

Whereas, in order to facilitate the negotiations of tax incentive agreements and to provide a measure of certainty to officials who negotiate said agreements with prospective clients, the Board of Education and the City of St. Marys in accordance with Ohio Revised Code Section 5709.82 have reviewed the tax incentive program for the City of St. Marys and have reached the following agreeable terms:

The City Shall:

1. Reduce the maximum period of tax abatement in all Community Reinvestment Areas to 10 years;

Community Reinvestment Area No. 1	-	Ordinance No. 78-31
		Ordinance No. 82-07
		Ordinance No. 93-77
Community Reinvestment Area No. 2.	-	Ordinance No. 78-49
		Ordinance No. 80-47
Community Reinvestment Area No. 3	-	Ordinance No. 82-30
2. Require that a PROJECT shall not be entitled to abatement under both Community Reinvestment and Enterprise Zone Programs. A PROJECT must choose either one or the other abatement program.
3. Cap personal property tax incentives at 50% and real estate tax incentives at 75% for a PROJECT using the Enterprise Zone Tax Program.
4. Include in all Enterprise Zone Agreements language stating that a PROJECT shall waive all rights under the Community Reinvestment Area Tax Abatement Program when the PROJECT qualifies for and uses incentives under the Enterprise Zone Program.

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: *Joyce Finke*
President

By: *Margaret J. Linnin*
Treasurer

City of St. Marys, Ohio

By: *Michael L. Weadock*
Michael L. Weadock
Director of Public Service and Safety
5-15-96

Approved as to Form:

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

IN THE MATTER OF SETTING DATE AND TIME TO RECEIVE BIDS FOR THE PURCHASE OF BULK ROCK SALT TO BE USED BY THE COUNTY HIGHWAY DEPARTMENT ON COUNTY ROADWAYS.

The Board of County Commissioners of Auglaize County, Ohio, met in regular session on the 5th day of March, 2009.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, County Engineer, Doug Reinhart informed the Board that he is requesting that a date and time be set to receive bids for the purchase of salt to be used by the County Highway Dept. on the County roadways; and,

WHEREAS, Engineer Reinhart will be including in the bid proposal, tonnage amounts for the County and all governmental agencies to which the Engineer's Department sells salt.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby set March 19, 2009 at 10:00 a.m. as the date and time to receive and publicly open bids for the purchase of above mentioned bulk rock salt for the Highway Department; and,

BE IT FURTHER RESOLVED that the Board authorizes County Engineer Reinhart to proceed with the necessary legal steps to cause said bid opening.

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

Adopted this
5th day of
March, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

<u>Douglas A. Spencer</u>	<u>yes</u>
Douglas A. Spencer	
<u>Don Regula</u>	<u>yes</u>
Don Regula	
<u>John N. Bergman</u>	<u>yes</u>
John N. Bergman	

cc: ✓ County Engineer - Doug Reinhart

IN THE MATTER SETTING A DATE AND TIME TO RECEIVE BIDS FOR HERBICIDES FOR THE HIGHWAY DEPARTMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 5th day of March, 2009.

Commissioner Regula moved the adoption of the following:

RESOLUTION

WHEREAS, Doug Reinhart, County Engineer, informed the Board of County Commissioners that it is necessary to receive bids for the purchase of herbicides for control of noxious weeds on our roadsides and permanent maintenance drainage ditches; same will be used by the Highway Department during the 2009 season.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby set March 19, 2009 at 10:15 a.m. as the date and time to receive and publicly open bids for herbicides to be used by the Highway Department; and,

BE IT FURTHER RESOLVED that the Board authorizes the County Engineer to proceed with the necessary legal steps to cause the above set bid openings.

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

Adopted this
5th day of
March, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc: ✓ County Engineer

RE: BOARDS OF ALLEN AND AUGLAIZE COUNTY COMMISSIONERS APPROVES CHANGE ORDER #2 WITH TAWA TREE SERVICE FOR THE CONSTRUCTION OF THE JOINT COUNTY LITTLE OTTAWA RIVER STREAM ENHANCEMENT PROJECT #1260.

The Board of County Commissioners, Allen County, Ohio met in regular session on the 25th day of February, 2009 with the following members present: Greg Sneary, W. Dan Reiff and Sam Bassitt

Commissioner Sneary moved the adoption of the following:

RESOLUTION

WHEREAS, pursuant to Resolution #584-08 dated August 5, 2008, the Joint Board of Allen and Auglaize County Commissioners approved a resolution to enter into contract with Tawa Tree Service, Inc for the construction of the Joint County Little Ottawa River Stream Enhancement Project #1260 in an amount not to exceed \$39,868.00

WHEREAS, pursuant to Resolution #902-08 dated November 25, 2008, the Joint Board of Allen and Auglaize County Commissioners approved Change Order #1 and an Extra Work Request in the amount of \$22,679.00 for a new contract price of \$62,547.00; and

WHEREAS, Tawa Tree Services has submitted Change Order #2 in the amount of \$363.00 to cover removal of a few additional trees in order to complete said project; and

WHEREAS, Daniel J. Ellerbrock, Drainage Coordinator, has reviewed Change Order #2 as submitted and requests the Joint Board accept same; now therefore

BE IT RESOLVED THAT THE JOINT BOARD OF ALLEN AND AUGLAIZE COUNTY COMMISSIONERS, hereby accepts Change Order #2 with Tawa Tree Service for the construction of the Joint County Little Ottawa River Stream Enhancement Project #1260 in the amount of \$363.00 for a new project cost of \$62,910.00, a copy of which is attached hereto and made a part hereof; and be it further

RESOLVED, hereby authorizes the President of each Board of County Commissioners to execute the attached change order on behalf of Allen and Auglaize Counties.

Commissioner Reiff seconded the resolution and upon the roll being called, the vote resulted as follows: **Commissioner Sneary, Yes; Commissioner Reiff, Yes; Commissioner Bassitt, Yes.**

Adopted this 25th
day of February, 2009

**BOARD OF COUNTY COMMISSIONERS
ALLEN COUNTY, OHIO**



Greg Sneary



W. Dan Reiff



Sam Bassitt

Kelli A. Singhaus
Clerk - Allen County

Accepted and Approved by:
BOARD OF COMMISSIONERS
AUGLAIZE COUNTY, OHIO

John Bergman, yes
John Bergman

Douglas A Spencer, yes
Douglas Spencer

Don Regula, yes
Don Regula



TAWA Tree and Land Clearing Services

1131 Sugar Mill Road
Ottawa, OH 45875
419-523-9001 fax 419-523-6665

Mulch
Trimming/Pruning
Fertilization
Stump Removal
Spraying/Injections

ISA Certified Arborists

Ohio Forestry Association
National Arboriculture

Full Service
Land Clearing
Contractor

January 8, 2009



CHANGE ORDER #2

Project Name: LittleOttawa River Stream Enhancement Project
Project Number: #1260

ALLEN COUNTY COMMISSIONERS
LIMA OHIO

Change Order Work

Ref. No.	Quantity	Unit	Description	Unit Price	Total
1	43	EA.	TRIMMING & CUTTING	\$ 30.00	\$ 1,290.00
2	23	EA.	CLASS "A" LOGJAM	\$ 147.00	\$ 3,381.00
3	(18)	EA.	CLASS "B" LOGJAM	\$ 406.00	\$ (7,308.00)
4	(12)	EA.	CLASS "C" LOGJAM	\$ 500.00	\$ (6,000.00)
5	1	EA.	CLASS "D" LOGJAM	\$ 1,000.00	\$ 1,000.00
6	8	EA.	CLASS "E" LOGJAM	\$ 1,000.00	\$ 8,000.00
7	-	ACRE	SEEDING	\$ 200.00	\$ -
8	-	LUMP	MOBILIZATION	LUMP	\$ -

ADDITIONAL REQUESTED \$ 363.00

Original Contract Price	\$ 39,868.00
Change Order Additions/Deletions - Change Order #1	\$ 18,179.00
Extra Work Approved - Change Order #1	\$ 4,500.00
Change Order Additions/Deletions - Change Order #2	\$ 363.00

New Contract Price Including This Change Order \$ 62,910.00

I hereby agree to the performance of work as listed.

	1-12-09
Contractor	Date
	1-12-09
Project Manager	Date
	3-5-09
Allen County Commissioner	Date
Auglaize County Commissioner	Date
Witness	Date

IN THE MATTER OF APPROVING AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN AUGLAIZE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND THE AUGLAIZE COUNTY BOARD OF COMMISSIONERS; AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE SAID MEMORANDUM OF UNDERSTANDING.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 5th day of March, 2009.

Commissioner Regula the adoption of the following:

RESOLUTION

WHEREAS, for many years the Auglaize County Department of Job and Family Services has been housed in an Auglaize County owned building located at 12 North Wood Street in Wapakoneta, Ohio; and,

WHEREAS, it is desirable to have a Memorandum of Understanding between Auglaize County Department of Job and Family Services and the Board of Auglaize County Commissioners for the purpose of specifying the respective responsibilities and obligations of each party for the real estate and building; and,

WHEREAS, a Memorandum of Understanding has been drafted and presented to the Board which sets the initial term of occupancy for one year, commencing January 1, 2009 and ending December 31, 2009 at the monthly rate of \$3,735.25 payable on or before the first day of each month.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio does hereby approve and authorize the Memorandum of Understanding with the Auglaize County Department of Job and Family Services for the occupancy of the real estate and building located at 12 North Wood Street, Wapakoneta which housing said Job & Family Services Department; and,

BE IT FURTHER RESOLVED that the Board does authorize the President of the Board, Douglas A. Spencer, to executed said Memorandum of Understanding as presented to the Board of County Commissioners; and,

BE IT FURTHER RESOLVED that said Memorandum of Understanding be hereto attached and thus be made a part of this Resolution.

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

Adopted this
5th day of
March, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer *yes*
Douglas A. Spencer

Don Regula *yes*
Don Regula

John N. Bergman *yes*
John N. Bergman

cc: ✓ County Department of Job & Family Services –
Michael Morrow

MEMORANDUM OF UNDERSTANDING

By and Between the

**AUGLAIZE COUNTY DEPARTMENT OF
JOB AND FAMILY SERVICES**

And the

AUGLAIZE COUNTY BOARD OF COUNTY COMMISSIONERS

This Memorandum of Understanding is entered into this 5th day of March, 2009 by and between the Auglaize County Department of Job and Family Services, hereinafter "ACDJFS" and the Board of County Commissioners of Auglaize County, Ohio, hereinafter "Board". Said Memorandum of Understanding is entered into to memorialize the agreements by and between the two entities concerning the occupancy of the real estate and building located at 12 N. Wood St., City of Wapakoneta, Auglaize County, Ohio, hereinafter the "Premises".

The Board is the owner of the Premises and since 1991 has provided the use of said Premises for the operation and official functions of the County's Department of Job and Family Services (and its predecessor agencies). ACDJFS has utilized the Premises continuously since prior to 1991. During the occupancy of the Premises by ACDJFS certain remodeling projects have been undertaken which have made the Premises particularly suited to the functions of ACDJFS. Additionally, the Board wishes to maintain ACDJFS in its present location.

Wherefore, the Board and ACDJFS hereby enter into this Memorandum of Understanding to set forth each parties understanding of their respective responsibilities and obligations.

Therefore, it is understood and agreed by the parties as follows:

1. The Board hereby agrees to provide to ACDJFS the real estate and Premises located at 12 N. Wood St., Wapakoneta, Auglaize County, Ohio for the offices and work place of ACDJFS to carry out its official obligations and responsibilities.
2. ACDJFS shall pay to the Board the monthly amount of \$3,735.25 payable on or before the first day of each month, beginning January, 2009 for the use and occupancy of the Premises. The Board hereby acknowledges receipt of said amount for the months of January, February, and March 2009.
3. The Memorandum of Understanding shall be for an initial term of one year, commencing January 1, 2009 and ending December 31, 2009; with said term automatically extending for additional individual one year terms unless and until either party provides written notice to the other of its desire to terminate the provisions of the Memorandum of Understanding no later than October 31, of the then current year. Additionally, the parties shall mutually agree prior to October 31 of the then current year of the amount of monthly payment due from ACDJFS to the Board for the succeeding year of occupancy of the Premises.
4. The Board shall provide the labor for all routine maintenance of the Premises. ACDJFS shall be responsible for providing the labor and materials for all capital improvements to the Premises, all janitorial and cleaning expenses, and all maintenance and snow removal services for the Premises parking lot and the adjacent parking lot (located on the north side of Lima Street in the City of Wapakoneta); all of which are being utilized by ACDJFS.
5. The Board shall provide property damage and liability insurance coverage for the Premises and its occupants at no cost to ACDJFS except for the cost allocation assessed by the Board to ACDJFS, which said cost allocation being included in and being part of the monthly payment paid by ACDJFS to the Board, as set forth in item 2 above.

6. ACDJFS shall not assign any of its rights and privileges contained in this Memorandum of Understanding without the express written consent of the Board.
7. The term of this Memorandum of Understanding, inclusive of all extensions, shall not extend beyond December 31, 2013.
8. Each party does hereby acknowledge that the Auglaize County Prosecutor's Office has prepared the foregoing Memorandum of Understanding based upon the agreements and specifications supplied by the parties; and that for the purposes of this Memorandum of Understanding the parties agree that the Auglaize County Prosecutor's Office has not provided any independent legal counselor or legal advice to either party. Further, each party does hereby acknowledge it has been advised of its right to independent legal counsel for the review and terms and conditions of this Memorandum of Understanding.

Board of County Commissioners
Auglaize County, Ohio

By:



Doug Spencer, President

Auglaize County Department of Job and Family Services

By:



Mike Morrow, Director

**IN THE MATTER OF AUTHORIZING THE PRIVATE SALE OF A SHERIFF'S CRUISER,
WHICH IS EXCESS COUNTY PROPERTY, TO THE AUGLAIZE COUNTY SHERIFF'S
AUXILIARY PURSUANT TO OHIO REVISED CODE SECTION 307.12 (B)(1).**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 5th day of March, 2009.

Commissioner Regula moved the adoption of the following

RESOLUTION

WHEREAS, the Auglaize County Sheriff Allen Solomon submitted correspondence to the Board of County Commissioners, stating that one of the department's cruisers is being replaced by a new cruiser recently received by the Sheriff's Department from The Ohio Department of Highway Safety; and,

WHEREAS, pursuant to Ohio Revised Code Section 307.12 (B)(1), the Board of County Commissioners may sell excess property by private sale without advertisement of public notification provided the fair market value of the property is \$2,500.00 or less; and,

WHEREAS, a private offer to purchase the cruiser being replaced has been received by the Auglaize County Sheriff; with the Sheriff and the Board in agreement that the value of this cruiser is no more than \$2,500.00; and,

WHEREAS, Sheriff Solomon has requested authorization to complete this private sale pursuant to Ohio Revised Code 307.12.

THEREFORE BE IT RESOLVED, the Board of Commissioners of Auglaize County, Ohio does hereby authorize the private sale of excess county property, in the form of one of the Sheriff's cruisers, to the Auglaize County Sheriff's Auxiliary at the cost of \$2,500.00.

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

Adopted this
5th day of
March, 2009

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Douglas A. Spencer, yes
Douglas A. Spencer

Don Regula, yes
Don Regula

John N. Bergman, yes
John N. Bergman

cc: Sheriff Allen Solomon