

ORDINANCE NO. 7519

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF COUNTY COMMISSIONERS OF DEFIANCE COUNTY PERTAINING TO USE OF MUNICIPAL FACILITIES LOCATED AT 324 PERRY STREET BY THE COURTS OF COMMON PLEAS AND CLERK OF COURTS AND DECLARING AN EMERGENCY**

**WHEREAS**, The Board of County Commissioners of Defiance County intend to renovate the Defiance County Courthouse; and,

**WHEREAS**, The Court of Common Pleas, General Division, Court of Common Pleas, Probate and Juvenile Divisions, and Defiance County Clerk of Courts require temporary housing during the time improvements to the Courthouse are being constructed; and,

**WHEREAS**, Those portions of the Municipal Building formerly occupied by the Defiance Municipal Court, Administrative offices of the Mayor and City Administrator, Law Department, Finance Department and Utility Billing Office are now vacant; and,

**WHEREAS**, the Board of County Commissioners has proposed to replace floor and wall coverings and make other improvements needed to adapt the space for occupancy without cost to the municipality and to pay a proportionate share of the utility and ordinary maintenance expenses incurred to operate the building during the term of the County's occupancy in exchange for rent-free use of the structure; and,

**WHEREAS**, Council finds that acceptance of the Board of County Commissioners' proposal is in the best interests of the community and municipal government;

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

**Section 1:** The City Administrator is authorized to execute the Memorandum of Understanding now on file in the Office of the City Law Director pertaining to occupancy of the Municipal Building located at 324 Perry Street by the Board of County Commissioners for use by the Court of Common Pleas, General Division, Court of Common Pleas, Probate and Juvenile Divisions and Defiance County Clerk of Courts.

**Section 2:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

**Section 3:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that immediate execution of the authorized agreement is required to enable the Board of County Commissioners to proceed with proposed Courthouse renovations that are critical to the success of the municipality's strategic plan for economic development and downtown stabilization and redevelopment efforts. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: July 30, 2013 Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: July 30, 2013 Bob Armstrong  
Mayor

Ordinance No. 7520  
AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR  
TO CONTRACT WITH HELMS & SONS EXCAVATING FOR STREET  
IMPROVEMENTS

**WHEREAS**, The City Engineer employed objective rating criteria to identify the streets to be resurfaced in the administration of the annual pavement maintenance program; and,

**WHEREAS**, The Streets & Sidewalk Committee reviewed the Engineer's list of pavement segments to be resurfaced and recommended no additions or deletions; and,

**WHEREAS**, Helms & Sons Excavating submitted the lowest responsive and responsible bid to perform the work;

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

**Section 1:** The City Administrator is authorized to award a contract to Helms & Sons Excavating to repair and resurface all pavement sections identified by the bid solicitation in substantial conformity with the designs and material specifications therein recited, at the prices and on the contractual terms and conditions established by the bid received and accepted on July 23, 2013.

**Section 2:** The Finance Director is authorized to pay all costs incurred in accordance with the authorized contract from Line 403-901-5-2-980-874 of the 2013 annual budget.

**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

**Section 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 30, 2013      Tim Holtsberry  
President of Council

Attest: Lisa Elders, Clerk

Approved: July 30, 2013      Bob Armstrong  
Mayor

# ORDINANCE NO. 7521

## AN ORDINANCE VACATING ALLEYS ADJACENT TO THE FORMER BRICKELL SCHOOL GROUNDS

**WHEREAS:** A Petition has been filed to vacate two alleys adjacent to lands formerly occupied by Brickell Elementary School in order to facilitate redevelopment of the parcel and adjacent grounds by Citizens National Bank; and,

**WHEREAS:** Planning Commission has recommended that the Petition be granted; and,

**WHEREAS:** Council finds there is good cause to vacate both alleys and that the vacations will not be detrimental to the general interest;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

**SECTION 1:** The East-West Alley adjacent to Greenler Addition Lots A, 17 and 122 and the northerly 55 feet of the intersecting North-South alley adjacent to Greenler Addition Lots 17 and 122 are hereby vacated pursuant to and in accordance with §723.05 of the Revised Code.

**SECTION 2:** In accordance with §723.041 of the Revised Code, easements are hereby reserved for any municipal and public utility facilities that may presently exist within the rights-of-way vacated by Section 1 of this Ordinance.

**SECTION 3:** The City Administrator is directed to cause a vacation Plat conforming to the requirements of Revised Code Section 711.39 to be prepared and Recorded and is authorized to employ the services of such surveyors as may be reasonably necessary to prepare the Plat.

**SECTION 4:** The City Administrator is directed to certify the costs incurred to comply with Section 3 of this Ordinance to the Finance Director for payment from funds deposited by the Petitioner. The Finance Director is directed to pay said costs from the deposit, to withhold therefrom such additional expenses as have been actually incurred for postage, publication and other expenses of the proceeding and to refund the remaining balance of the deposit evidenced by Receipt 20130726 to the Petitioner.

**SECTION 5:** It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council that affected or influenced any such legislative act, were conducted in public session duly convened in conformity with law.

**SECTION 6:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 30, 2013

Tim Holtsberry  
President of Council

Attest: Lisa Elders  
Clerk of Council

Approved: July 30, 2013

Bob Armstrong  
Mayor

RESOLUTION NO. 2448

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

(City Council)  
Revised Code, Secs. 5705.34, -.35.

The Council of the City of Defiance, Defiance County, Ohio met in

Regular session on the 30 day of July, 2013  
(Regular or Special) Year

at the office of City Hall with the following members present:

Jared Orzolek

Chris Engel

Joe Eureste

Mike Ketcham

Peter Lundberg

Larry Bryant

Chris Engel moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1<sup>st</sup>, 2014; and  
Year

WHEREAS, The Budget Commission of Defiance County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Defiance, Defiance County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:



**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

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**The State of Ohio, Defiance County, ss.**

I, Lisa Elders, Clerk of the Council of the City of Defiance within and for the County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution 2448

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now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 30 day of July, 2013  
Year

Lisa Elders  
Clerk of Council

**Council of the City of  
Defiance**  
Defiance County, Ohio.

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

Adopted July 30, 2013  
Lisa Elders  
Clerk

Filed August 27, 2013  
Marlene J. Goodwin  
County Auditor

By Defiance County Auditor  
Deputy