REGULAR PIQUA CITY COMMISSION MEETING
TUESDAY, MAY 5, 2020
6:00 PM
COMMISSION CHAMBER—2nd FLOOR
201 WEST WATER STREET
PIQUA, OHIO 45356

CALL TO ORDER

THE PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION – POLICE WEEK
➢ Accepting- Officer Kiersten Boggs, Piqua Police Officer of the Year

REGULAR PIQUA CITY COMMISSION MEETING

CONSENT AGENDA

1. APPROVAL OF MINUTES
   Approval of the minutes from the April 21, 2020 Regular Piqua City Commission Meeting

NEW BUSINESS

2. RES. NO. R-69-20
   A Resolution authorizing the City Manager to enter into an agreement with TEC Engineering, Inc. for
   the Engineering Design Services for the US 36 Safety Improvement Project

3. RES. NO. R-70-20
   A Resolution awarding a contract to Milligan Construction Company for the Scarbrough Drive Extension
   project

4. RES. NO. R-71-20
   A Resolution accepting annexation of certain real property known as DG AMP LLC Solar 81.0679 acres

5. RES. NO. R-72-20
   A Resolution authorizing the Law Director to petition the Board of County Commissioners of Miami County,
   Ohio for a change in the boundary lines of Washington Township

PUBLIC COMMENT
(This is an opportunity for citizens to address the City Commission regarding agenda items,
issues, or to provide information. Comments are requested to be limited to five (5) minutes and
specific questions should be addressed to the City Manager's office.)

CITY MANAGER'S REPORT

COMMISSIONERS COMMENT

ADJOURNMENT
Piqua City Commission met at 6:00 P.M. in the Municipal Government Complex Commission Chambers located at 201 W. Water Street. Mayor Lee called the meeting to order.

Roll Call as follows: Present: Mayor Lee, Commissioner Hinds, Commissioner Grissom, Commissioner Pearson and Commissioner Fogt.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**
Approval of the minutes from the April 7, 2020 Regular Piqua City Commission Meeting

**RES. NO. R-57-20**
A Resolution authorizing preliminary consent legislation with the Ohio Department of Transportation (ODOT) for Bridge Repairs on US Route 36

**RES. NO. R-58-20**
A Resolution reappointing a member to the Tree Committee

**RES. NO. R-59-20**
A Resolution reappointing a member to the Tree Committee

**RES. NO. R-60-20**
A Resolution appointing a member to the Tree Committee

**RES. NO. R-61-20**
A Resolution reappointing a member to the Park Board

**RES. NO. R-62-20**
A Resolution appointing a member to the Park Board

**RES. NO. R-63-20**
A Resolution appointing a member to the Park Board

**RES. NO. R-64-20**
A Resolution appointing a member to the Park Board

**RES. NO. R-65-20**
A Resolution appointing a member to the Planning Commission

Commissioner Hinds moved for the approval of the Consent Agenda; motion was seconded by Commissioner Pearson. Motion to approve the Consent Agenda was carried unanimously, and Mayor Lee declared the Consent Agenda approved.

**NEW BUSINESS**

**RES. NO. R-66-20**
A Resolution to dedicate a portion of Scarbrough Drive Public Right-of-Way

Chris Schmiesing, Economic Development Director presented the Staff Report.

Mayor Lee asked for any questions or comments from the Commission.

Mayor Lee commented that it looks like a plan coming together.

Motion was made by Commissioner Grissom to adopt RES. NO. R-66-20, motion seconded by Commissioner Fogt. Motion was carried unanimously. Mayor Lee declared RES. NO. R-66-20 adopted.
RES. NO. R-67-20
A Resolution authorizing the use of the Law Enforcement Trust Fund to purchase equipment for the Police Department.

City Manager Huff presented information that the funds can only be used for the Police Department, but to be able to expend the funds from the trust fund it must be approved by the City Commission.

Rick Byron, Chief of Police presented the Staff Report along with the explanation that these funds are for an upgraded TI machine to assist with the use of force scenarios and de-escalation techniques.

City Manager Huff stated that the video is popular with the citizens academy as they get to simulate firings. It has been out of commission for a while and the hope is to get it back into the academy, but to be used primarily for training of our police officers.

Mayor Lee asked for any questions or comments from the Commission.

Mayor Lee stated that this is a wonderful tool and inquired if it was still being utilized by Edison State Law Enforcement students.

Chief Byron stated that it is currently not operable but we will keep that option open to allow Edison to use it, as well as the government academy.

Commissioner Grissom asked for further explanation.

Chief Byron explained that this machine offers realistic scenarios as to what you would see in the community and is highly interactive as far as body movement.

Commissioner Hinds stated this was kind of like a video game.

Commissioner Fogt inquired as to the integration into the training center at the old wastewater plant site, as far as putting the scenario into a live time motion.

City Manager Huff stated very much so.

Motion was made by Commissioner Grissom to adopt RES. NO. R-67-20, motion seconded by Commissioner Pearson. Motion was carried unanimously by roll call. Mayor Lee declared RES. NO. R-67-20 adopted.

RES. NO. R-68-20
A Resolution requesting authorization to purchase the real property known as part of Inlot 36 and Inlot 37 in the amount of $70,000

Chris Schmiesing, Economic Development Director presented the Staff Report.

Mayor Lee asked for any questions or comments from the Commission.

Commissioner Hinds commented on the necessity of a paved parking lot and letter of support from Lorna Swisher.

Mayor Lee stated that parking lot would be for public use, supplying 42 parking places – this parking lot is part of the Riverfront Redevelopment Project.

Commissioner Pearson inquired about entryway/exit.

Mr. Schmiesing confirmed the entry is off of Water Street, with no added expense of creating a curb cut. Mr. Schmiesing further commented that the planning documents provide information when the city is asked to expend money, it is not taken lightly when there is a monetary request to purchase properties.

Mayor Lee asked City Manager Huff if the City is "well-suited" at this point in time to spend the money.

City Manager Huff replied yes, the city would not be spending the money if we did not have the funding.

Law Director Patrizio commented on the difficulty of finding parking spaces for downtown businesses.

Mayor Lee asked for confirmation that we had applied for a grant for this purchase.

Mr. Schmiesing confirmed that that is the targeted dollar amount for the grant provided we move forward with the purchase.
Motion was made by Commissioner Pearson to adopt RES. NO. R-68-20, motion seconded by Commissioner Fogt. Motion was carried unanimously by roll call. Mayor Lee declared RES. NO. R-68-20 adopted.

PUBLIC COMMENT

Mayor Lee explained the process being followed at this time. We have received two questions.

Natalie Jagua, 1234 Marwood Drive – Will there be a formal budget revision in conjunction with the changing economic landscape? What is the prescribed response for budget revision/reallocations/etc.? Assuming revenues will decline, when would the finance department reflect these changes in the budget, acknowledging that known changes cannot yet be determined at this time?

City Manager Huff responded that a financial statement would be provided tonight that should answer these questions.

Bill Jaqua, 607 N. Sunset Drive states that businesses and significant portions of payroll providers of income to city revenue has vanished. State and Federal budgets are in severe shortage. This will result in revenue sharing shortages in Piqua. Many economists predict it could take 10 years to recover. I estimate that city revenue from income tax will drop to levels we saw in the Great Recession. This is probably a several million dollar decrease in city income tax. Should we stop non essential spending for a while?

City Manager Huff responded that non essential spending should be curtailed and has been done. The financial report will contain more information with regard to this spending.

CITY MANAGER’S REPORT – ANNOUNCEMENTS

Saddened at the death of Darby Wright, city employee who had just been promoted to full time about a month ago. Tremendous loss to the city. Thoughts and prayers are extended to his entire family.

Working on a re-opening plan for the City, Gov. DeWine releasing requirements this week and we will abide by these requirements as the plan is developed. Expecting information by Friday.

Mayor Lee stated that we would let the citizens know as soon as possible.

City Manager Huff referred to Cynthia Holtzapple, Finance Director, to report on spending limits already implemented.

Ms. Holtzapple reported as follows: Since mid-March all departments have only been purchasing items and services critical to operation. Some capital purchases and many capital projects are being delayed. Non-essential summer/seasonal staff will not be hired and the pool will not be opened. Overtime substantially reduced and hiring is being reconsidered. All areas of budget are currently under review. Revenue spending monitored on a daily, weekly and monthly basis. When appropriate, budgets have been adjusted. Looking to offset reduced revenue and Covid-19 expenses through other funding and opportunities both local, state and federal.

COMMISSIONERS’ COMMENTS

COMMISSIONER HINDS

Darby Wright recognition – amazing talented young man. Thoughts and prayers with his family

COMMISSIONER GRISSOM

Condolences and prayers to the family of Darby Wright. Resurfacing of streets amid the financial crisis

City Manager Huff responded that we are planning to go ahead with the contracted paving absent any unforeseen circumstances. We will know more after the voting on the street levy.

Commissioner Grissom promoted the passage of the street levy. We will keep a close eye on the city’s financials.

National Lab Week – thanks to lab professionals

COMMISSIONER PEARSON

Condolences to Darby Wright family.
National Work Zone Awareness, be aware of the work projects going on within the city.
Congratulations to the Senior class of 2020 and the properties lit up in support of the graduates.
311 Draffhouse providing meals for those who are in need. Call or e-mail them and refer the the “Blessing Menu” of three items

COMMISSIONER FOGT

Thoughts and prayers to the family of Darby Wright. Thanks to city staff – working to stay on top of everything that is going on.
R-94-16 – Resolution (medical marijuana dispensaries) with regard to putting this conversation back on the table

MAYOR LEE

Condolences to Darby Wright family – prayers, blessings and the grace of God to the family
Trying to keep citizens informed by reporting questions. Information can be obtained on the City’s website. Trying to deal with complaints to the best of his ability.
Appreciation of city employees
Remain diligent with regard to the Covid virus – support the Governor’s requests. Appreciation to City of Piqua residents for abiding to the Governor’s guidelines. Stay informed

ADJOURNMENT

Motion made by Commissioner Fogt to adjourn from the Regular City Commission Meeting at 6:45 p.m. motion seconded by Commissioner Grissom, motion carried unanimously.

KRIS LEE, MAYOR

PASSED: ____________________

ATTEST: 
KAREN S. JENKINS
CLERK OF COMMISSION
RESOLUTION NO. R-69-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEC ENGINEERING, INC. FOR THE ENGINEERING DESIGN SERVICES FOR THE US 36 SAFETY IMPROVEMENT PROJECT

WHEREAS, on January 7, 2020, this Commission passed Resolution No. R-9-20 authorizing the City Purchasing Analyst to advertise for bids, according to law, for the US 36 Safety Improvements Project; and

WHEREAS, after solicitation of Request for Qualifications, TEC Engineering, Inc. was determined to be the most qualified provider of these services; and;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: An Agreement is hereby approved with TEC Engineering, Inc. for the Engineering Design Services for the US 36 Safety Improvement Project.

SEC. 2: The Finance Director certifies that funds are available and is hereby authorized to draw her warrants from time to time on the appropriate account of the city treasury in payment according to contract terms, not exceeding a total of $64,207.

SEC. 3: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

_________________________________________
Kris Lee, Mayor

PASSED: ________________________________

ATTEST: ________________________________
Karen S. Jenkins
Clerk of Commission

The Motion to adopt the foregoing Resolution was offered by __________________________
seconded by __________________________ and on roll call the following vote ensued:

Mayor Kris Lee
Commissioner Kathryn B. Hinds
Commissioner Cindy Pearson
Commissioner Chris Grissom
Commissioner Thomas Fogt
# Commission Agenda
## Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>May 5, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution authorizing the City Manager to enter into an Agreement with TEC Engineering, Inc. for the Engineering Design Services for the US 36 Safety Improvement Project</td>
</tr>
</tbody>
</table>
| SUBMITTED BY | Name & Title: Amy L. Havenar, P.E., City Engineer  
Department: Engineering |
| AGENDA CLASSIFICATION | ☑ Consent  
☑ Resolution  
☐ Ordinance  
☐ Regular |
| APPROVALS/REVIEWS | ☑ City Manager  
☐ Asst. City Manager/Finance  
☐ Asst. City Manager/Development  
☐ Law Director  
☐ Department Director  
☐ Other: |
| BACKGROUND | In September of 2019, the City of Piqua submitted an application for safety improvements along the US 36 Corridor to the Ohio Department of Transportation. This request was for funding through the Highway Safety Improvement Program due to the high number of accidents we have been experiencing on this stretch of roadway. Our application was approved for funding.

The project will consist of traffic signal upgrades at US 36 & the Taco Bell signal and at US 36 & Kienle Drive with polycarbonate signal heads, backplates, pedestrian features, and improved pavement markings. Also included are upgraded ADA accommodations at both intersections as well as signal retiming on US 36 between Scott Drive and Kienle Drive.

As with all projects utilizing federal money, the selected consultants must be on ODOT’s prequalified consultants list. After soliciting for Request for Qualifications (RFQ’s), TEC Engineering, Inc. was selected to provide a Technical Proposal for the engineering design services. This resolution would allow us to begin the design process. |
| BUDGETING AND FINANCIAL IMPACT | Budgeted $: $20,000 (local match budgeted) in 103 Fund  
Expenditure $: $64,207  
Source of Funds: $55,000 Highway Safety Improvement Fund Grant  
$9,207 Local Match (103 Fund) |
<p>| Narrative: | The City of Piqua was fortunate enough to receive safety funding for this project. 100% of the construction costs will be covered by this grant. The estimated cost of construction is $148,278. A majority of the design cost will also be covered by the grant ($55,000). |</p>
<table>
<thead>
<tr>
<th>OPTIONS</th>
<th>1. Approve the Resolution to enter in an Agreement with TEC Engineering, Inc. for the design services.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Do not approve the Resolution and do not proceed with this safety project.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>The design will begin this spring with construction scheduled for the summer of 2021.</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution to allow for the design of the US 36 Safety Improvement Project to proceed.</td>
</tr>
<tr>
<td>REASON FOR SELECTING CONSULTANT/COMPANY</td>
<td>A request for Letters of Interest was posted on ODOT’s website in March of 2020. As a result, six Consultants submitted their qualification packets. After reviewing the qualifications submitted by the six firms, TEC Engineering, Inc. was selected to submit a detailed technical proposal. TEC Engineering, Inc. has successfully completed traffic signal work for the City in the past as well as they completed the traffic study along the US 36 Corridor.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Exhibit A – Agreement</td>
</tr>
</tbody>
</table>
EXHIBIT A

CITY OF PIQUA

AGREEMENT NO. 34801

This Agreement No. 34801 entered into this ______ day of __________________, 2020, by and between the City of Piqua, acting by and through the City Manager, hereinafter referred to as the City, and TEC Engineering, Inc., a corporation, hereinafter referred to as the Consultant, with an office located at 7288 Central Parke B, Mason, Ohio 45040.

WITNESSETH:

That the City and the Consultant, for the mutual considerations herein contained and specified, have agreed and do hereby agree as follows:

CLAUSE I - WORK DESCRIPTION

The Consultant agrees to perform all professional services as may be authorized by the City for preparation of the Project Development Process for traffic signal improvements in Miami County, Ohio, identified as MIA-US36-11.56.

CLAUSE II - INVOICE & PROGRESS SCHEDULE

The City and the Consultant agree to the attached Invoice and Progress Schedule including the overall Agreement length, and Scheduled Submittal dates and Review Times set out in the Progress Schedule.

The Consultant agrees to submit the completed Invoice and Progress Schedule transmittal letter together with the updated Invoice and Progress Schedule for all billing purposes for all Parts of this Agreement every thirty (30) days as follows:

(a) Signed original transmittal letter and invoice (IPS) and three (3) copies of same.

(b) Two (2) copies of the updated Progress Schedule.

CLAUSE III - PRIME COMPENSATION

The City agrees to compensate the Consultant for the performance of the authorized portions of the Work specified in this Agreement.

Project Development Process.

Lump Sum compensation for Fifty-Five Thousand Eight Hundred Sixteen Dollars ($55,816.00).

Part 2: Final Engineering.

Lump Sum compensation for Eight Thousand Three Hundred Ninety-One Dollars ($8,391.00).

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Sixty-Four Thousand Two Hundred Seven Dollars ($64,207.00).

Prime Compensations, only as agreed and by proper modification of this Agreement and authorized in writing by the City, may be added to or subtracted from under the authority of the Department of Transportation's "Specifications for Consulting Services, 2016 Edition".

CLAUSE IV - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

(a) The Department of Transportation's "Specifications for Consulting Services, 2016 Edition".

(b) The attached Final Scope of Services Minutes dated April 13, 2020.

(c) The Invoice & Progress Schedule.

(d) The most current Office of Budget and Management Travel Policy as published on the State of Ohio Website (http://obm.ohio.gov/MiscPages/TravelRule).

CLAUSE V - GENERAL PROVISIONS

Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Agreement shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the City Manager.

TEC ENGINEERING, INC.

By: ______________________

Title: ______________________

CITY OF PIQUA

__________________________
Gary A. Huff
City Manager

APPROVED AS TO FORM:

By: ______________________

Title: ______________________
RESOLUTION NO. R-70-20

A RESOLUTION AWARDING A CONTRACT TO
MILLIGAN CONSTRUCTION COMPANY FOR THE
SCARBROUGH DRIVE EXTENSION PROJECT

WHEREAS, on January 7, 2020, this Commission passed Resolution No.
R-9-20 authorizing the City Purchasing Analyst to advertise for bids, according to law, for
the Scarbrough Drive Extension Project; and

WHEREAS, after proper advertisement, bids were opened resulting in the
tabulation of bids as listed in Exhibit A attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua,
Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: A contract is hereby approved with Milligan Construction
Company as the lowest, responsible bidder for the Scarbrough Drive Extension Project
and the City Manager is hereby authorized to execute a contract with said bidder
pursuant to contract specifications.

SEC. 2: The Finance Director certifies that funds are available and is
hereby authorized to draw her warrants from time to time on the appropriate account of
the city treasury in payment according to contract terms, not exceeding a total of
$241,800.

SEC. 3: This Resolution shall take effect and be in force from and after the
earliest period allowed by law.

______________________________
KIRS LEE, MAYOR

PASSED: _________________________

ATTEST: _________________________
KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by_____________________
seconded by ____________________ and on roll call the following vote ensued:

Mayor Kris Lee
Commissioner Kathryn B. Hinds
Commissioner Cindy Pearson
Commissioner Chris Grissom
Commissioner Thomas Fogt
# Commission Agenda

## Staff Report

<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>May 5, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A Resolution awarding a contract to Milligan Construction Company for the Scarbrough Drive Extension Project.</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Name &amp; Title: Amy L. Havenar, City Engineer</td>
</tr>
<tr>
<td></td>
<td>Department: Engineering</td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☑ Consent  ☑ Ordinance  ☑ Resolution  ☑ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☑ City Manager  ☑ Asst. City Manager/Finance</td>
</tr>
<tr>
<td></td>
<td>☑ Asst. City Manager/Development  ☑ Law Director</td>
</tr>
<tr>
<td></td>
<td>☑ Department Director  ☑ Other:</td>
</tr>
</tbody>
</table>

## BACKGROUND

On April 27, 2020, thirteen bids were received for the Scarbrough Drive Extension Project (see attached Exhibit A).

The project consists of the extension of Scarbrough Drive approximately 400 LF and will include the installation of curb and gutter, storm sewer, and water main. An Alternate Bid was received for the resurfacing of the existing portion of Scarbrough Drive to Country Club Road. Because of the favorable bids received, we are recommending acceptance of the alternate bid, as well.

The street improvements will be paid for through a State of Ohio Jobs and Commerce Grant and Tax Increment Financing (TIF). These funding sources will reimburse local fund sources that will be used to finance the construction of the street improvements.

## BUDGETING AND FINANCIAL IMPACT

<table>
<thead>
<tr>
<th>Budgeted $</th>
<th>$253,250</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>($228,250 Street Extension – Base Bid, $25,000 Street Resurfacing – Alternate Bid)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure $</th>
<th>$241,800 ($208,500 - Base Bid; $33,300 - Alternate Bid) Includes 10% contingency</th>
</tr>
</thead>
</table>

| Source of Funds: | Street Extension $208,500 – Base Bid |
|                 | Reimbursement Sources: |
|                 | $75,000 Jobs and Commerce Grant, $133,500 TIF |
|                 | Street Resurfacing $33,300 – Alternate Bid |
|                 | Reimbursement Sources: |
|                 | $33,300 TIF |

| Narrative: | This resolution includes a 10% contingency for items of work which may be required which are not included in the original plans and specifications. |
| OPTIONS | 1. Approve the resolution and complete the Scarbrough Drive Extension Project as well as the resurfacing of Scarbrough Drive. |
| PROJECT TIMELINE | It is anticipated that the project will begin in June and has a September 30, 2020 completion date. |
| STAFF RECOMMENDATION | Approve the resolution to allow for the completion of the Scarbrough Drive Extension Project and the resurfacing of Scarbrough Drive. |
| REASON FOR SELECTING CONSULTANT/COMPANY | Lowest bidder following the public bidding process. |
| ATTACHMENTS | Bid Tabulation (Exhibit A), Location Map (Exhibit B) |
EXHIBIT A

CITY OF PIQUA

PROJECT: 19-18 SCARBROUGH DRIVE EXTENSION

DEADLINE: 4/27/2020 at 10:00AM

<table>
<thead>
<tr>
<th>Business</th>
<th>Bid Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milligan Construction Co.</td>
<td>$219,783.00</td>
</tr>
<tr>
<td>Finfrock Construction Co., Inc.</td>
<td>$229,000.00</td>
</tr>
<tr>
<td>Ranger Earthworks LLC</td>
<td>$231,790.10</td>
</tr>
<tr>
<td>Kinnison Excavating Inc</td>
<td>$232,482.00</td>
</tr>
<tr>
<td>m &amp; t excavating</td>
<td>$234,096.29</td>
</tr>
<tr>
<td>Outdoor Enterprise</td>
<td>$237,662.00</td>
</tr>
<tr>
<td>RD Jones Excavating Inc</td>
<td>$241,626.27</td>
</tr>
<tr>
<td>C. G. Construction &amp; Utilities, Inc.</td>
<td>$244,956.50</td>
</tr>
<tr>
<td>Double Jay Construction, Inc</td>
<td>$248,768.00</td>
</tr>
<tr>
<td>Sturmi Construction</td>
<td>$252,801.00</td>
</tr>
<tr>
<td>Brumbaugh Construction, Inc.</td>
<td>$253,527.00</td>
</tr>
<tr>
<td>Barrett Paving Materials, Inc.</td>
<td>$285,974.60</td>
</tr>
<tr>
<td>J &amp; J Schlaegel, Inc.</td>
<td>$286,178.75</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R- 71-20

A RESOLUTION ACCEPTING ANNEXATION OF CERTAIN REAL PROPERTY KNOWN AS DG AMP LLC SOLAR 81.0679 ACRES

WHEREAS, more than sixty (60) days have expired since the Clerk of Commission accepted for filing the certified transcript, accompanying plat and petition now before this Commission; and

WHEREAS, these proceedings and submissions are all in accordance with with Chapter 709 of the Revised Code; and

WHEREAS, the legal description of the real property sought to be annexed to the City is set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the above described territory is adjacent to and contiguous with the City of Piqua;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The application for annexation of the above-described real property to the City of Piqua, Ohio, is hereby approved;

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

KIRIS LEE, MAYOR

PASSED: __________________________

ATTEST: __________________________

KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by __________________________, seconded by __________________________ and on roll call the following vote ensued:

Commissioner Kathryn Hinds _______ Commissioner Cindy Pearson _______
Commissioner Thomas Fogt _______ Commissioner Chris Grissom _______
Mayor Kris Lee _______
<table>
<thead>
<tr>
<th>MEETING DATE</th>
<th>April 27, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION ACCEPTING ANNEXATION OF CERTAIN REAL PROPERTY KNOWN AS DG AMP LLC SOLAR 81.0679 ACRES</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Chris Schmiesing, Development Director</td>
</tr>
<tr>
<td>Development Department</td>
<td></td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>□ Consent  □ Ordinance  ☒ Resolution  □ Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>□ City Manager  □ Asst. City Manager/Finance  ☒ Development Director  ☒ Law Director</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>As part of the installation of the Mainer Avenue Solar Field the developer of the project agreed to annex the subject property into the municipal corporation limits. In accordance with ORC 709 the legislative authority shall accept or reject a petition for annexation, after the expiration of sixty days from the date of the delivery of the petition and supporting documents. The 60 day wait period has expired and the petition is now being presented to the City Commission for acceptance of the annexation.</td>
</tr>
<tr>
<td>BUDGET/FINANCIAL IMPACT</td>
<td>Budgeted: $0  Expenditure: $0  Source of Funds: N/A  Narrative: Approving the resolution will complete the process of accepting the annexation of the subject property into the municipal corporation limits.</td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the resolution to accept the annexation. 2. Defeat the resolution to reject the annexation.</td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>May 5, 2020 – City Commission: Final Action</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Annexation Petition</td>
</tr>
</tbody>
</table>
CERTIFICATION

ANNEXATION TO THE CITY OF PIQUA, OHIO
OF 81.0679 ACRES MORE OR LESS
FROM WASHINGTON TOWNSHIP

The Board of Miami County Commissioners does hereby certify the attached petition with the accompanying plat map are true and correct copies filed in these proceedings.

PETITION
Exhibit A – Legal Description
Exhibit B – Annexation Plat/Map
Exhibit C – List of Parcels to be Annexed; List of Adjacent Parcels
Exhibit D – Certified Copy of Annexation Agreement

ENGINEER’S LETTER

RESOLUTION APPROVING ANNEXATION PETITION
(Resolution No. 20-02-278)

These copies are true and correct transcripts of action taken by the Board:

MIAMI COUNTY COMMISSIONERS:

(John F. Evans, Absent)
COMMISSIONER

Leigh M. Williams, Clerk

DATED: March 3, 2020
BEFORE THE
BOARD OF MIAMI COUNTY COMMISSIONERS
MIAMI COUNTY, OHIO

PETITION FOR ANNEXATION
PURSUANT TO REVISED CODE SECTION 709.022

Submitted By All Property Owners,
With Consent of All Parties, and
With Annexation Agreement Attached

Petition No.: 

Name of Agent: David N. Reed
Address of Agent: Taft, Stettinius & Hollister LLP
40 N. Main Street, Suite 1700
Dayton, Ohio 45423
Telephone No.: (937) 641-1724
Fax No.: (937) 228-2816
Email: reed@taftlaw.com
Municipality to Which Annexation is Proposed: City of Piqua
Township From Which Annexation is Proposed: Washington Township
Other County Included in Annexation: N/A
Proposed Zoning District: OS – Open Space

=================

TO THE BOARD OF MIAMI COUNTY COMMISSIONERS:

The undersigned, acting as agent for DG AMP SOLAR, LLC (the "Petitioning Party"), hereby submits the following Petition requesting the Board of Miami County Commissioners (the "Board") to follow Revised Code Section 709.022 and approve this annexation.

1

25608337.2
Included with this Petition are the following documents:

- The signatures (set forth below) of all property owners in the area proposed to be annexed, to wit: DG AMP Solar, LLC. Said signatory is the "owner" of the property to be annexed as defined in R.C. § 709.02(E), and are authorized to sign the Petition and own lawful title to the property on the date that this Petition is submitted.

- Each signature includes the date it was obtained, and no signature was obtained more than one hundred and eighty (180) days prior to the filing of this Petition in accordance with R.C. § 709.02(C)(1).

- An accurate legal description of the perimeter of the property to be annexed is attached hereto as Exhibit A in accordance with R.C. § 709.02(C)(2).

- An accurate map of the property to be annexed is attached hereto as Exhibit B in accordance with R.C. § 709.02(C)(2).

- Lists of property in both the property to be annexed and all adjacent territories, including the name of the owners, mailing addresses, and permanent parcel numbers, is attached hereto as Exhibit C in accordance with R.C. § 709.02(D).

- The name and address of the agent for the Petitioning Party, as set forth above, in accordance with R.C. § 709.02(C)(3).

- A certified copy of the Annexation Agreement between the City of Piqua, Ohio and the Board of Washington Township Trustees of Miami County, Ohio created pursuant to R.C. §§ 709.022 and 709.192 is attached hereto as Exhibit D.

- A copy of the resolution authorizing the Annexation Agreement by the Commission of the City of Piqua, Miami County, Ohio is attached hereto as Exhibit E.

The property to be annexed is contiguous to the City of Piqua, Ohio as required by R.C. § 709.021(A).

This Petition includes the statutory disclosure statement waiving appeal rights as required by R.C. § 709.022(B) (see below).

All property to be annexed (100% of the acreage of the territory to be annexed) is located solely in Miami County, in accordance with R.C. § 709.11.
WHEREFORE, the Petitioning Party and the agent for the Petitioning Party hereby request the Board to approve this annexation pursuant to R.C. § 709.022.

The persons executing this Agreement warrant and represent that they have full authority to do so from the party of parties for whom they are signing and that they have the authority to take all appropriate or necessary actions required or permitted to be taken to effectuate the terms of this Petition for Annexation.

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

DG AMP SOLAR, LLC

By: ____________________________ Date: 2/11/2020

[Signature]

Vice President

AGENT FOR PETITIONING PARTY

By: ____________________________ Date: 2/12/2020

[Signature]

David N. Reed
EXHIBIT A
Accurate Legal Description of Property to be Annexed
ANNEXATION PARCEL
81.0679 Acres

Situated in the Township of Washington, County of Miami, State of Ohio, being a part of the southwest quarter of Section 19, Township 6 North, Range 6 East, also being a portion of a parcel of land conveyed to DG AMP Solar, LLC as recorded in Instrument No. 2018OR-15451 of said County’s records, and being further bounded and described as follows:

Beginning at a Gear Spike found at the southwest corner of said Section 19 and on the centerline of Washington Rd. (variable width):

1. Thence along the west line of said Section 19 and said centerline, N 0° 30’ 03” E for a distance of 2570.03 feet to the northwest corner of said Southwest Quarter of Section 19, said northwest corner also being on the south line of Outlot 180 in the City of Piqua;

2. Thence along said north line of said Southwest Quarter of Section 19 and the south line of said Outlot 180, S 89° 03’ 41” E for a distance of 1475.94 feet to a point on a west line of a parcel of land conveyed to James A. Hiegel as recorded in Volume 723, Page 816;

Thence along west lines of said James A. Heigel for the following three courses:

3. S 0° 38’ 55” W for a distance of 375.47 feet to a 5/8 inch rebar with cap “GPD” found;

4. S 89° 35’ 12” E for a distance of 295.00 feet to a 5/8 inch rebar with cap “GPD” found;

5. S 0° 38’ 55” W for a distance of 1017.33 feet to a 5/8 inch rebar with cap “GPD” found on a north line of a parcel of land conveyed to Judith and Haldane R. Hornbeck as recorded in Volume 569, Page 70, said rebar found witnessed by a 5/8 inch rebar found S 89° 43’ 06” E at 875.80 feet;

6. Thence along said north line, N 89° 43’ 06” W for a distance of 847.32 feet to a 5/8 inch rebar with cap “GPD” found at the northwest corner of said Judith and Haldane R. Hornbeck;

7. Thence along the west line of said Judith and Haldane R. Hornbeck, S 0° 05’ 33” W for a distance of 1259.65 feet to a 5/8 inch rebar with cap “GPD” found on the south line of said Section 19, said rebar found witnessed by a 5/8 inch rebar found S 89° 43’ 06” E at 1021.63 feet;

8. Thence along said south section line, N 89° 43’ 06” W for a distance of 928.98 feet to the Point of Beginning, passing over a 1 inch pipe in concrete found at 908.10 feet, and containing 81.0679 acres (3,531,319 sq. ft.) of land.

All bearings referred to hereinafter, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation’s VRS system.

This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900, in October of 2019.

Glaus, Pyle, Schomer, Burns & DeHaven, Inc.
dba GPD Group

STATE OF OHIO
PROFESSIONAL SURVEYOR
REGISTERED

STEVEN L.
MULLANEY
S-7900

[Signature]

10/16/19

Steven L. Mullaney, P.S. 7900
EXHIBIT B
Accurate Map of Property to be Annexed
ANNEXATION TO THE CITY OF PIQUA
81.0679 ACRES
PART OF THE S.W. QUARTER OF SECTION 19
T 6 N, R 6 E
TOWNSHIP OF WASHINGTON
COUNTY OF MIAMI, STATE OF OHIO

INLOT
81.0679 ACRES

REFERENCE:
1. COUNTY SD 400
2. COUNTY SD 401
3. CITY OF PIQUA ORDINANCE NO. 27-22
4. CITY OF PIQUA ORDINANCE NO. 41-41

MATCH LINE
EXHIBIT C
List of Parcels to be Annexed; List of Adjacent Parcels;
Contact Information of All Owners
Property to be Annexed and Owner Information:

The property to be annexed into the City of Piqua is Parcel No. M40-057815. It is owned by DG AMP Solar, LLC, a Delaware limited liability company.

DG AMP Solar, LLC  
700 Universe Blvd.  
Juno Beach, FL 33408  
Attention: Julie Rice

Adjacent Properties and Owner Information:

All information was confirmed via the Miami County Auditor’s Office as of February 25, 2020. The following properties are located adjacent to, or across the street from, DG AMP Solar, LLC’s Parcel No. M40-057815:

1. Parcel No. N44-095825; Owned by DG AMP Solar, LLC; Contact information same as above.

2. Parcel No. N44-095820; Owned by James A. Hiegel; Property Address is 1006 S. Gordon Street, Piqua, OH 45356.

3. Parcel No. M40-057800; Owned by James A. Hiegel; Property Address is 1006 S. Gordon Street, Piqua, OH 45356.

4. Parcel No. N44-072300; Owned by Robert A. and Jaci L. Noggle; Property Address is 904 McKinley Avenue, Piqua, OH 45356.

5. Parcel No. N44-072305; Owned by Christian L. and Teresa L. Decker; Property Address is 908 McKinley Avenue, Piqua, OH 45356.

6. Parcel No. N44-251051; Owned by the City of Piqua; Property Address is Washington Road, Piqua, OH 45356.

7. Parcel No. N44-250001; Owned by Miami Met Housing Authority; Property Address is 950 McKinley Avenue, Piqua, OH 45356.

8. Parcel No. N44-077032; Owned by Willow Tree Apartments, LLC; Property Address is Fairfax Avenue, Piqua, OH 45356.

9. Parcel No. N44-077956; Owned by ENH Investments Ltd.; Property Address is 1301 Fairfax Avenue, Piqua, OH 45356.


12. Parcel No. M40-057450; Owned by Shawn Michael and Sherry Lynn Evans; Property Address is 6240 Washington Road, Piqua, OH 45356.

13. Parcel No. N44-078766; Owned by Thomas E. and Pamela A. Stahl; Property Address is 6210 Washington Road, Piqua, OH 45356.

14. Parcel No. N44-078562; Owned by Amanda J. Holler; Property Address is 1300 Arrowhead Drive, Piqua, OH 45356.

15. Parcel No. N44-078526; Owned by Ronald E. Howell; Property Address is Arrowhead Drive, Piqua, OH 45356.

16. Parcel No. M40-057210; Owned by Robert C. and Diana L. Steele; Property Address is 6110 Washington Road, Piqua, OH 45356.

17. Parcel No. M40-057300; Owned by Michael E. and Rebecca S. Kueberman; Property Address is 6010 Washington Road, Piqua, OH 45356.

18. Parcel No. M40-057301; Owned by Kathryn A. Lantis; Property Address is 6040 Washington Road, Piqua, OH 45356.

19. Parcel No. M40-057302; Owned by Nathan I. Foos and Abigail Werling; Property Address is 6060 Washington Road, Piqua, OH 45356.

20. Parcel No. M40-040200; Owned by Liette Realty III LLC; Property Address is 5900 Washington Road, Piqua, OH 45356.

21. Parcel No. M40-059600; Owned by Kami Hampton & Tami Bolin; Address of Property is 5989 Washington Road, Piqua, OH 45356.

22. Parcel No. M40-041200; Owned by William E. and Joetta Didier; Address of Property is 5706 Drake Road, Piqua, OH 45356.


24. Parcel No. M40-058110; Owned by Hemm Farm Partnership LLC; Mailing Address is 2090 W. Hemm Rd., Piqua, OH 45356.

25. Parcel No. N44-071870; Owned by Linda Poling; Mailing Address is 1213 Gordon St., Piqua, OH 45356.

26. Parcel No. N44-073409; Owned by Elta E. Elliott; Mailing Address is 1111 Gordon St., Piqua, OH 45356.

27. Parcel No. N44-071850; Owned by Allen J. Stover; Mailing Address is 1205 Gordon St., Piqua, OH 45356.

28. Parcel No. N44-071840; Owned by Catherine A. Large; Address of Property is 1207 Gordon St., Piqua, OH 45356.
29. Parcel No. N44-071860; Owned by Roy F. Howard; Address of Property is P.O. Box 810, Piqua, OH 45356.

30. Parcel No. N44-073410; Owned by Terry D. Reineke; Mailing Address is 1201 Gordon St., Piqua, OH 45356.
EXHIBIT D
Certified Copy of Annexation Agreement
ANNEXATION AGREEMENT

This Agreement is entered into this 28th day of May, 2006, between the City of Piqua, hereinafter "City", and the Board of Township Trustees of Washington Township, Miami County, Ohio, hereinafter "Township", pursuant to R.C. 709.022, and 709.192:

WHEREAS, the Ohio Revised Code provides that the legislative authority of a municipal corporation and the board of township trustees may enter into annexation agreements; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Washington Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua.

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. The City consents to the annexation of Real Property to the City and agrees to provide sanitation, police, fire rescue, electric power, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City;

2. The Township consents to the annexation of the Property to the City, subject to compliance with Ohio R.C. Chapter 709;

3. The City shall institute proceedings to detach the Property from the Township, and further agrees that the Property shall not remain part of Washington Township, Miami County, Ohio;

4. Upon annexation Piqua shall make the following payments to the township:
   a. In the first though third years following the annexation and exclusion of the territory from the township, eighty per cent on the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation has occurred;
   b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, sixty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for industrial real, personal and public utility property taxes if no annexation had occurred;
c. In the sixth and seventh years following the annexation and exclusion of the territory from the township, sixty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal, and public utility property taxes if no annexation had occurred;

d. In the eighth and ninth years following the annexation and exclusion of the territory from the township, fifty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred;

e. In the tenth through twelfth years following the annexation and exclusion of the territory from the township, forty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred.

5. Upon annexation Piquis shall make the following payments to the township:

a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, fifty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

c. In the sixth through tenth years following the annexation and exclusion of the territory from the township, forty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

d. In the eleventh and twelfth years following the annexation and exclusion of the territory from the township, twenty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred.

6. The obligations set forth in paragraph 4 and 5 above shall be computed and effected on the basis of the then current valuation which may increase or decrease during the term of this Agreement,
and each such annual payment shall be made in a single installment as soon as may be practicable after the tax settlement of the next ensuing calendar year.

7. This Agreement shall continue in full force and effect, but it may be modified or amended by the mutual agreement of the parties hereto, and at the conclusion of each five (5) year period hereafter it shall be subject to review and negotiation, and to potential modification by said mutual agreement.

IN WITNESS WHEREOF, the City and Board of Trustees have, pursuant to resolutions duly approved, enter into this Agreement this 22 day of June, 2006.

CITY OF PIQUA
MIAMI COUNTY, OHIO

Frederick Endelke, City Manager

BOARD OF TOWNSHIP TRUSTEES OF
WASHINGTON TOWNSHIP, MIAMI COUNTY, OH

James A. Rieg,

Paul Holmberg

Ed McMaken

APPROVED AS FORM ONLY:

Mark W. Altier, #0017882
Chief Civil Assistant Prosecuting Attorney
Miami County, Ohio

Grant Kerber, #0068474
City of Piqua Law Director
EXHIBIT E
Resolution Approving Annexation Agreement
RESOLUTION NO. R-56-06

A RESOLUTION APPROVING AN Annexation
AGREEMENT BETWEEN THE CITY OF PIQUA AND
THE BOARD OF TOWNSHIP TRUSTEES OF
WASHINGTON TOWNSHIP

WHEREAS, the City of Piqua and the Board of Washington Township
Trustees of Miami County, Ohio desire to enter into an annexation agreement to be
applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the Ohio Revised Code provides that the City of Piqua and the
Board of Washington Township Trustees may enter into annexation agreements; and

WHEREAS, it is beneficial to both the City of Piqua and the Board of
Washington Township Trustees to adopt the proposed Annexation Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of
Piqua, Miami County, Ohio, the majority of all members elected thereto concurring,
that:

SEC. 1: The annexation agreement appended hereto is hereby
approved and the City Manager is hereby authorized to execute said agreement on
behalf of the City and this Commission.

SEC. 2: This Resolution shall take effect and be in force from and after
the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: May 15, 2006

ATTEST: REBECCA J. COOL
CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the
City of Piqua, Ohio do hereby certify that the above
Resolution R-56-06 is a true, accurate and
correct copy of Resolution R-56-06
passed by the Commission of the City of Piqua, Ohio, on
the 15th day of May, 2006

REBECCA J. COOL
CLERK OF COMMISSION
February 27, 2020

Honorable Board of Miami County Commissioners
County Plaza
Troy, OH 45373

Re: Proposed annexation of 81.0679 acres, Section 19, Town 6, Range 6, Washington Township, to the City of Piqua. (Expeditied Type 1)

Dear Commissioners:

Our office has reviewed the map and legal description of the territory proposed for annexation, and both meet our requirements. This annexation creates an island of unincorporated land, which is not precluded in this type of annexation. Additionally, I have reviewed the information contained in the petition. The revised list of Adjacent Properties and Owner Information is now correct and complete.

Very truly yours,

[Signature]

Andy Smith
Deputy Miami County Engineer
RESOLUTION NO. 20-03-278

ANNEXATION
EXPEDITED TYPE 1
81.0679 ACRES +/- FROM WASHINGTON TOWNSHIP
TO THE CITY OF PIQUA, OHIO

Mr. Simmons introduced the following resolution and moved it be adopted:

WHEREAS, on February 18, 2020, an annexation petition was filed on behalf of DG AMP SOLAR, LLC, Agent being David N. Reed, Taft, Stettinius & Hollister, LLP, 40 N. Main Street, Suite 1700, Dayton, Ohio 45423 for the annexation of 81.0679 acres, more or less, in Washington Township to the City of Piqua, Ohio; and

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio entered into an annexation agreement in May of 2006 (Commission Resolution No. R-56-06) to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the County Engineer's Office reviewed the map and legal description of the territory proposed for annexation, pursuant to ORC 709.022, and has submitted a letter dated February 27, 2020 stating that the map and description meet their requirements.

Now, therefore be it

RESOLVED, by the Board of Miami County Commissioners, to approve the Expedited Type 1 annexation petition filed on behalf of DG AMP SOLAR, LLC for 81.0679 acres, more or less, in Washington Township to the City of Piqua, Ohio, pursuant to O.R.C. 709.022. Further sign the mylar and Certification document this date.

Mr. Mercer seconded the motion and the Board voted as follows upon roll call:

Mr. Mercer, Yea; Mr. Simmons, Yea; Mr. Evans, Absent.

DATED: March 3, 2020

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of March 3, 2020.

Leigh M. Williams, Clerk
RESOLUTION NO. R- 72-20

A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO PETITION THE BOARD OF COUNTY COMMISSIONERS OF MIAMI COUNTY, OHIO FOR A CHANGE IN THE BOUNDARY LINES OF WASHINGTON TOWNSHIP

BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: Contingent upon the granting of the subject annexation and in accordance with the annexation agreement attached hereto as Exhibit 'A', the Law Director is hereby authorized on behalf of this Commission to present to the Board of County Commissioners of Miami County, Ohio, a petition requesting the changes in the boundary lines of Washington Township as may be necessary so that said township does not include the 81.0679 acres proposed for annexation to the City of Piqua, as shown in the supporting documents attached hereto as Exhibit 'B'.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

______________________________
KRIS LEE, MAYOR

PASSED: _______________________

ATTEST: _______________________
KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by _________________________
seconded by ______________________ and on roll call the following vote ensued:

Commissioner Kathryn Hinds ______ Commissioner Cindy Pearson ______
Commissioner Thomas Fogt ______ Commissioner Chris Grissom ______
Mayor Kris Lee ______
## Commission Agenda

### Staff Report

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<tr>
<th>MEETING DATE</th>
<th>April 27, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPORT TITLE</td>
<td>A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO PETITION THE BOARD OF COUNTY COMMISSIONERS OF MIAMI COUNTY, OHIO FOR A CHANGE IN THE BOUNDARY LINES OF WASHINGTON TOWNSHIP</td>
</tr>
<tr>
<td>SUBMITTED BY</td>
<td>Chris Schmiesing, Development Director</td>
</tr>
<tr>
<td>Development Department</td>
<td></td>
</tr>
<tr>
<td>AGENDA CLASSIFICATION</td>
<td>☑Resolution  ☐Consent  ☐Ordinance  ☐Regular</td>
</tr>
<tr>
<td>APPROVALS/REVIEWS</td>
<td>☑City Manager  ☑Development Director  ☐Asst. City Manager/Finance  ☑Law Director</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>The City of Piqua/Washington Township annexation agreement requires the City take the actions necessary to remove land annexed into the municipal limits from the township boundaries.</td>
</tr>
<tr>
<td>(Description, background, justification)</td>
<td></td>
</tr>
<tr>
<td>BUDGET/FINANCIAL IMPACT</td>
<td>Budgeted: $0  Expenditure: $0  Source of Funds: N/A</td>
</tr>
<tr>
<td>(Project costs and funding sources)</td>
<td></td>
</tr>
<tr>
<td>Narrative: Approving the resolution will authorize the Law Director to petition the Board of County Commissioners to change the Washington Township boundaries to reflect the annexation of the subject property into the municipal corporation limits.</td>
<td></td>
</tr>
<tr>
<td>OPTIONS</td>
<td>1. Adopt the resolution to authorize filing a petition to change the township boundaries.  2. Defeat the resolution to reject filing a petition to change the township boundaries.</td>
</tr>
<tr>
<td>(Include deny /approval option)</td>
<td></td>
</tr>
<tr>
<td>PROJECT TIMELINE</td>
<td>May 5, 2020 — City Commission: Final Action</td>
</tr>
<tr>
<td>STAFF RECOMMENDATION</td>
<td>Approve the resolution.</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td>Washington Township Annexation Agreement, Map and Legal Description of Annexation Territory.</td>
</tr>
</tbody>
</table>
RESOLUTION NO. R-56-06

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF PIQUA AND THE BOARD OF TOWNSHIP TRUSTEES OF WASHINGTON TOWNSHIP

WHEREAS, the City of Piqua and the Board of Washington Township Trustees of Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua; and

WHEREAS, the Ohio Revised Code provides that the City of Piqua and the Board of Washington Township Trustees may enter into annexation agreements; and

WHEREAS, it is beneficial to both the City of Piqua and the Board of Washington Township Trustees to adopt the proposed Annexation Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: The annexation agreement appended hereto is hereby approved and the City Manager is hereby authorized to execute said agreement on behalf of the City and this Commission.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

THOMAS D. HUDSON, MAYOR

PASSED: May 15, 2006

ATTEST: REBECCA J. COOL

CLERK OF COMMISSION

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above Resolution R-56-06, is a true, accurate and correct copy of Resolution R-56-06 passed by the Commission of the City of Piqua, Ohio, on the 15th day of May, 2006.

REBECCA J. COOL
CLERK OF COMMISSION
ANNEXATION AGREEMENT

This Agreement is entered into this 2d day of May, 2006, between the City of Piqua, hereinafter “City”, and the Board of Township Trustees of Washington Township, Miami County, Ohio, hereinafter “Township”, pursuant to R.C. 709.022, and 709.192:

WHEREAS, the Ohio Revised Code provides that the legislative authority of a municipal corporation and the board of township trustees may enter into annexation agreements; and

WHEREAS, the City of Piqua and the Board of Township Trustees of Washington Township, Miami County, Ohio desire to enter into an annexation agreement to be applied to all future annexations from Washington Township to the City of Piqua.

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. The City consents to the annexation of Real Property to the City and agrees to provide sanitation, police, fire rescue, electric power, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that said services are provided to the other residents of the City:

2. The Township consents to the annexation of the Property to the City, subject to compliance with Ohio R.C. Chapter 709;

3. The City shall institute proceedings to detach the Property from the Township, and further agrees that the Property shall not remain part of Washington Township, Miami County, Ohio;

4. Upon annexation Piqua shall make the following payments to the township:
   a. In the first though third years following the annexation and exclusion of the territory from the township, eighty per cent on the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred;

   b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, sixty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for industrial real, personal and public utility property taxes if no annexation had occurred;
c. In the sixth and seventh years following the annexation and exclusion of the territory from the township, sixty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal, and public utility property taxes if no annexation had occurred;

d. In the eighth and ninth years following the annexation and exclusion of the territory from the township, fifty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred;

e. In the tenth through twelfth years following the annexation and exclusion of the territory from the township, forty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for commercial and industrial real, personal and public utility property taxes if no annexation had occurred.

5. Upon annexation Piqua shall make the following payments to the township:

a. In the first through third years following the annexation and exclusion of the territory from the township, eighty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

b. In the fourth and fifth years following the annexation and exclusion of the territory from the township, fifty-two and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

c. In the sixth through tenth years following the annexation and exclusion of the territory from the township, forty per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred;

d. In the eleventh and twelfth years following the annexation and exclusion of the territory from the township, twenty-seven and one-half per cent of the township taxes in the annexed territory that would have been due the township for residential and retail real property taxes if no annexation had occurred.

6. The obligations set forth in paragraph 4 and 5 above shall be computed and effected on the basis of the then current valuation which may increase or decrease during the term of this Agreement,
and each such annual payment shall be made in a single installment as soon as may be practicable after the
tax settlement of the next ensuing calendar year.

7. This Agreement shall continue in full force and effect, but it may be modified or
amended by the mutual agreement of the parties hereto, and at the conclusion of each five (5) year period
hereafter it shall be subject to review and negotiation, and to potential modification by said mutual
agreement.

IN WITNESS WHEREOF, the City and Board of Trustees have, pursuant to resolutions duly
approved, enter into this Agreement this __________ day of June, 2006.

CITY OF PIQUA
MIAMI COUNTY, OHIO

Frederick Enderle, City Manager

BOARD OF TOWNSHIP TRUSTEES OF
WASHINGTON TOWNSHIP, MIAMI COUNTY, OH

Jim Hiegel
Paul Holfinger

Ed McMaken

APPROVED AS TO FORM ONLY:

Mark W. Altier, #0017882
Chief Civil Assistant Prosecuting Attorney
Miami County, Ohio

Grant Kerber, #0068474
City of Piqua Law Director
ANNEXATION PARCEL
81.0679 Acres

Situated in the Township of Washington, County of Miami, State of Ohio, being a part of the southwest quarter of Section 19, Township 6 North, Range 6 East, also being a portion of a parcel of land conveyed to DG AMP Solar, LLC as recorded in Instrument No. 2018DR-15451 of said County's records, and being further bounded and described as follows:

Beginning at a Gear Spike found at the southwest corner of said Section 19 and on the centerline of Washington Rd. (variable width):

1. Thence along the west line of said Section 19 and said centerline, N 0° 30' 03" E for a distance of 2670.03 feet to the northwest corner of said Southwest Quarter of Section 19, said northwest corner also being on the south line of Outlet 180 in the City of Piqua;

2. Thence along said north line of said Southwest Quarter of Section 19 and the south line of said Outlet 180, S 89° 03' 41" E for a distance of 1475.94 feet to a point on a west line of a parcel of land conveyed to James A. Hiegel as recorded in Volume 723, Page 816;

Thence along west lines of said James A. Hiegel for the following three courses:

3. S 0° 38' 55" W for a distance of 375.47 feet to a 5/8 inch rebar with cap "GPD" found;

4. S 89° 35' 12" E for a distance of 295.00 feet to a 5/8 inch rebar with cap "GPD" found;

5. S 0° 38' 55" W for a distance of 1017.33 feet to a 5/8 inch rebar with cap "GPD" found on a north line of a parcel of land conveyed to Judith and Haldane R. Hornbeck as recorded in Volume 569, Page 70, said rebar found witnessed by a 5/8 inch rebar found S 89° 43' 06" E at 875.80 feet;

6. Thence along said north line, N 89° 43' 06" W for a distance of 847.32 feet to a 5/8 inch rebar with cap "GPD" found at the northwest corner of said Judith and Haldane R. Hornbeck;

7. Thence along the west line of said Judith and Haldane R. Hornbeck, S 0° 05' 33" W for a distance of 1259.65 feet to a 5/8 inch rebar with cap "GPD" found on the south line of said Section 19, said rebar found witnessed by a 5/8 inch rebar found S 89° 43' 06" E at 1021.63 feet;

8. Thence along said south section line, N 89° 43' 05" W for a distance of 928.98 feet to the Point of Beginning, passing over a 1 inch pipe in concrete found at 908.10 feet, and containing 81.0679 acres (3,531,319 sq. ft.) of land.

All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system.

This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900, in October of 2019.

Glaus, Pyle, Schommer, Burns & DeHaven, Inc.
dba GPD Group

Steven L. Mullaney, P.S. 7900

10/16/19