

ORDINANCE NO. 7127

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTIES AT 33-37 LAWRENCE AVENUE (CITY LOTS #4496-4497) FROM RO-1, RESEARCH-OFFICE TO OS-1, OFFICE-SERVICE.

WHEREAS, a Zoning Map Amendment application was submitted on December 13, 2024, by the Property Owner, Miamisburg Christian Church; and

WHEREAS, Miamisburg Christian Church, as a church or religious institution use, wishes to expand their ministry services to the subject lots; and

WHEREAS, the current zoning district, RO-1, Research-Office, does not permit church or religious institution uses; and

WHEREAS, the proposed zoning district, OS-1, Office-Service, does permit church or religious institution uses as a Special Use, subject to review by the Planning Commission, in addition to other office and commercial uses suited to the subject lots; and

WHEREAS, establishment of an OS-1, Office-Service zoning district on the subject lots would fulfill the health, safety, and general welfare of the public by allowing productive use of the property for ministry services which would otherwise not be possible under the current zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

The Zoning Map as subsequently amended, attached to, and made a part of Ordinance No. 2712 is hereby amended, per Exhibit A, to reflect the foregoing rezoning classification contained herein and the City Manager is authorized and directed to cause said rezoning to be reflected on the Official Zoning Map.

Section 2.

This measure shall take effect and be in full force from and after the earliest period allowed by law.

Passed: _____

Attested: _____
Keysha Alexander, Clerk of Council

Approved: _____
Michelle L. Collins, Mayor

EXHIBIT A

PROPOSED ZONING MAP

Proposed Zoning

HS-1

CENTRAL

TWELFTH

ELFTH

GB-1

R-1

OS-1

GB-1

LAWRENCE

R-1

1137

1143

1149

1138

1146

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ORDINANCE NO. 7128

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$10,000,000 OF RECREATIONAL FACILITIES IMPROVEMENT GENERAL OBLIGATION BOND ANTICIPATION NOTES, BY THE CITY OF MIAMISBURG, OHIO, IN ANTICIPATION OF THE ISSUANCE OF BONDS AND DECLARING AN EMERGENCY.

WHEREAS, the fiscal officer of the City has estimated the life or period of usefulness of the improvements as at least five (5) years, and certified the maximum maturity of the bonds to be issued to finance the same as thirty (30) years, and of notes issued in anticipation thereof as twenty (20) years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

It is hereby declared necessary to issue bonds of the City in the principal sum of not to exceed \$10,000,000, for the purpose of making improvements to municipal recreational facilities, including constructing a municipal pool and making improvements to Sycamore Park, which bonds shall mature over a period of thirty (30) years and bear interest at an approximate rate of five and one half per centum (5.50%) per annum, payable semiannually, and be issued under the provisions of the Uniform Public Securities Law of the Revised Code of the State of Ohio.

Section 2.

That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$10,000,000 shall be issued in anticipation of the issuance of said bonds.

Section 3.

That the Notes shall be dated their date of issuance, shall bear interest at the rate not to exceed five and one half percent (5.50%) per annum, payable at maturity, shall mature not later than one year from the date of issuance, and shall be of the denomination or denominations as may be requested by the purchaser or purchasers thereof all as determined by the Finance Director or the City Manager without further action by this Council so long as such denominations are \$100,000 or integral multiple of \$5,000 in excess of \$100,000. The terms of such Notes which shall be in compliance with Chapter 133 of the Ohio Revised Code, shall be set forth in a certificate of award (the "Certificate of Award"), which is hereby authorized, and which shall be executed by the City Manager or the Finance Director without further action by this council.

Section 4.

That the Notes shall be executed by the City Manager and the Finance Director and may but shall not be required to bear the seal of the corporation. The Notes shall be designated "Recreational Facilities Improvement Limited Tax General Obligation Bond Anticipation Notes, Series 2025," and shall be payable at the office of U.S. Bank Trust Company, National Association, as the paying agent and registrar for the Bonds (the "Paying Agent and Registrar"), and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

Section 5.

That the Notes shall be sold at public or private sale by the Finance Director at not less than ninety-seven percent of the par value of such Notes together with interest thereon, if any. The proceeds from such sale, except accrued interest thereon, shall be paid into the proper funds and used for the purpose aforesaid and for no other purpose. Accrued interest, if any, received on sale of said Notes shall be transferred to the bond retirement fund to be applied to the payment of principal of and interest on said Notes in the manner provided by law.

Section 6.

That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of bonds anticipated by said Notes, and any excess funds resulting from the issue of said Notes shall, to the extent necessary, be used only for the retirement of said Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 7.

That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same,

shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, to the extent other City revenues are available for such purpose said tax shall not be levied therefor.

Section 8.

That this Council, for and on behalf of the City, hereby covenants that it will restrict the use of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder. The Finance Director or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

Section 9.

That this Council hereby authorizes and directs the Finance Director or the City Manager to take any and all actions which may be necessary to issue the notes in book-entry-only form or in such form as will render the notes eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefore.

Section 10.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such agreements, financing statements, closing certificates and other instruments or documents as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance, including a note purchase agreement between the City and the purchaser of the Notes, if so requested by the purchaser.

Section 11.

That this Council hereby authorizes the City to participate in the Ohio Market Access Program – Note Wrap - offered by the Treasurer of the State of Ohio (the “Program”), provided that (a) participation in the Program is in the best interests of the City and (b) the City Manager or the Finance Director affirmatively elects to participate in the Program in the Certificate of Award.

Section 12.

That the Standby Note Purchase Agreement (the “Standby Purchase Agreement”) required as part of the Program is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the authorized signatories of the City executing the Standby Purchase Agreement, as provided in this ordinance. The City acknowledges the agreement of the Treasurer of State in the Standby Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate of the lower of the maximum interest rate provided by law or the 1-year MMD (Municipal Market Data) Index for “AAA”-rated obligations plus 400 basis points (or such other rate methodology in effect as part of the Program), maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid, and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes levied within the ten-mill limitation imposed by law on all property subject to ad valorem taxes levied by the City and (ii) interest on the renewal notes is excludible from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended to the same extent that interest on the notes is so excluded.

In addition, the City acknowledges that the Treasurer of State will establish an “After Maturity Interest Rate,” as generally provided for as part of the Program and as specifically provided for within the Standby Purchase Agreement.

The City Manager and the Finance Director, as the officers signing the Notes, are authorized to take all actions that may in their judgment reasonably be necessary to provide for such Standby Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of such Standby Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Notes for purchase by the Treasurer of State at stated maturity.

This Council hereby authorizes further representations, warranties, and/or covenants to be made regarding the City's participation in the Program by virtue of the Certificate of Award and/or other Program documents, subject to review and approval by legal counsel to the City.

Section 13.

That the firm of Dinsmore & Shohl LLP ("Dinsmore"), is hereby engaged as the City's "bond counsel" pursuant to the engagement letter of Dinsmore on file with the City.

Section 14.

This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Notes and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15.

The Finance Director is hereby authorized to apply, if she deems it appropriate, for a rating on the Notes from either Standard & Poor's Corporation or Moody's Investors Service, and to pay the fee or premium for said rating to the extent authorized by law and approved by bond counsel.

Section 16.

That the Finance Director is hereby directed to forward a certified copy of this Ordinance to the County Auditor.

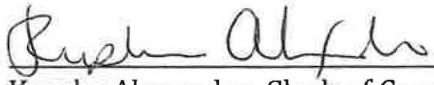
Section 17.

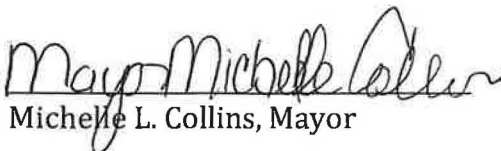
That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code.

Section 18.

That this ordinance is hereby declared to be an emergency measure for the necessary preservation of the public peace, health, safety and welfare or for the urgent benefit or protection of the inhabitants of the City of Miamisburg, and for the reason that the immediate issuance of said notes is necessary to provide funds for payment for the improvements hereinabove described, and shall take effect immediately upon its passage, pursuant to Section 4.08 of the Charter of the City of Miamisburg.

Passed: January 21, 2025

Attested: 
Keysha Alexander, Clerk of Council

Approved: 
Michelle L. Collins, Mayor

CERTIFICATE

The undersigned, Clerk of Council, Miamisburg, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 7128 adopted January 21, 2025.



Clerk of Council

CERTIFICATE

The undersigned, Finance Director, Miamisburg, Ohio, hereby certifies that Ordinance No. 7128 was filed with the County Auditor of Montgomery County, Ohio, on _____, 2025.

Finance Director

RECEIPT

The undersigned, County Auditor of Montgomery County, Ohio, acknowledges receipt of Ordinance No. 7128 of the City of Miamisburg, Ohio, on _____, 2025.

Montgomery County Auditor

CERTIFICATE OF MEMBERSHIP

The undersigned, Finance Director of the City of Miamisburg, Montgomery County, Ohio, hereby certifies that the following were the officers and members of Council during the period proceedings were taken authorizing the issuance of, not to exceed \$10,000,000 Recreational Facilities Improvement Limited Tax General Obligation Bond Anticipation Notes, Series 2025, dated their date of issuance:

Mayor	<u>Michelle Collins</u>
City Manager	<u>Keith D. Johnson</u>
Finance Director	<u>Jennifer Johns</u>
Clerk of Council	<u>Keysha Alexander</u>
Member of Council	<u>Steve Beachler</u>
Member of Council	<u>Ryan Colvin</u>
Member of Council	<u>Sarah Clark Thacker</u>
Member of Council	<u>Mike McCabe</u>
Member of Council	<u>Tom Nicholas</u>
Member of Council	<u>Jeff Nestor</u>
Member of Council	<u>John Stalder</u>
Law Director	<u>Phil Callahan</u>

Finance Director

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified obligation.



Clerk of Council

**CERTIFICATE AS TO MAXIMUM MATURITY OF
BONDS AND BOND ANTICIPATION NOTES**

The undersigned, being the fiscal officer of the City of Miamisburg, County of Montgomery, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life or period of usefulness of the improvement financed with the proceeds of the sale of not to exceed \$10,000,000 of bonds, for the purpose of making improvements to municipal recreational facilities, including constructing a municipal pool and making improvements to Sycamore Park, is at least five (5) years and that the maximum maturity of said bonds, in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is thirty (30) years, and of notes issued in anticipation thereof, twenty (20) years.

IN WITNESS THEREOF, I have hereunto set my hand this ____ day of January, 2025.

Finance Director

ORDINANCE NO. 7129

AN ORDINANCE TO DELEGATE AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING FISCAL YEAR 2025 MADE FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS FOR MUNICIPAL PURPOSES TO BE MADE FROM SUBSEQUENT BORROWINGS.

WHEREAS, Treasury Regulation §1.150-2 (the "Reimbursement Regulations"), issued pursuant to Section 150 of the Internal Revenue Code of 1986, as amended, (the "Code") prescribes certain requirements by which proceeds of tax-exempt bonds, notes, certificates or other obligations included in the meaning of "bonds" under Section 150 of the Code ("Obligations") used to reimburse advances made for Capital Expenditures (as hereinafter defined) paid before the issuance of such Obligations may be deemed "spent" for purposes of Sections 103 and 141 to 150 of the Code and therefore, not further subject to any other requirements or restrictions under those sections of the Code; and

WHEREAS, such Reimbursement Regulations require that an Issuer (as hereinafter defined) make a Declaration of Official Intent (as hereinafter defined) to reimburse any Capital Expenditure paid prior to the issuance of the Obligations intended to fund such Capital Expenditure and require that such Declaration of Official Intent be made no later than sixty (60) days after payment of the Capital Expenditure and further require that any Reimbursement Allocation (as hereinafter defined) of the proceeds of such Obligations to reimburse such Capital Expenditures occur no later than eighteen (18) months after the later of the date the Capital Expenditure was paid or the date the property acquired with the Capital Expenditure was placed in service, except that any such Reimbursement Allocation must be made no later than three years after such Capital Expenditure was paid; and

WHEREAS, the Reimbursement Regulations provide that an Issuer may delegate the authority for making such Declarations of Official Intent and Allocations to one or more individuals; and

WHEREAS, this Council wishes to ensure compliance with the Reimbursement Regulations; and

WHEREAS, this Council intends to acquire and construct capital improvements in the City for municipal purposes, including the design, engineering, acquisition and construction of park improvements and construction of a new municipal pool (the "Project"). The City intends that the design, engineering, acquisition, construction, and installation costs will be paid from the proceeds of municipal securities issued by the City for the Project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING THAT:

Section 1.

Definitions.

That the following definitions apply to the terms used herein:

“Allocation” means written evidence that proceeds of Obligations issued subsequent to the payment of a Capital Expenditure are to reimburse the City for such payments. “To allocate” means to make such an allocation.

“Authorized Officer” means City Manager or Finance Director of the City and any persons with authority at the time to exercise functions of those offices.

“Capital Expenditure” means any expense for an item that is properly depreciable or amortizable or is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.

“Declaration of Official Intent” means a written declaration that the City intends to fund Capital Expenditures with an issue of Reimbursement Bonds and reasonably expects to be reimbursed from the proceeds of such an issue.

“Issuer” means either a governmental unit that is reasonably expected to issue Obligations or any governmental entity or 501(c)(3) organization that is reasonably expected to borrow funds from the actual issuer of the Obligations.

“Reimbursement” means the restoration to the City of money temporarily advanced from other funds, including moneys borrowed from other sources, of the City to pay for Capital Expenditures before the issuance of Obligations intended to fund such Capital Expenditures.

“To reimburse” means to make such a restoration.

“Reimbursement Bonds” means Obligations that are issued to reimburse the City for Capital Expenditures, and for certain other expenses permitted by the Reimbursement Regulations, previously paid by or for the City.

“Reimbursement Regulations” means Treasury Regulation §150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as applicable, prescribing conditions under which the proceeds of Obligations may be allocated to reimburse the City for Capital Expenditures and certain other expenses paid prior to the issuance of the Obligations such that the proceeds of such Obligations will be treated as “spent” for purposes of Sections 103 and 141 to 150 of the Code.

Section 2.

Declaration of Official Intent.

(a) The City declares that it reasonably expects that the Capital Expenditures described in Section (b), which were paid no earlier than sixty days prior to the date hereof, or which will be paid prior to the issuance of any Obligations intended to fund such Capital Expenditures, will be reimbursed with the proceeds of Obligations, representing a borrowing by the City or other governmental issuer in the maximum principal amount, for such Reimbursements, of \$10,000,000; and

(b) The Capital Expenditures made in fiscal year 2025 to be reimbursed are to be used for the acquisition and construction of capital improvements in the City, including the design, engineering, acquisition, construction and installation of park improvements including construction of swimming pool improvements and related costs.

Section 3.

Reasonable Expectations.

The City does not expect any other funds (including the money advanced to make the Capital Expenditures that are to be reimbursed) to be reserved, allocated on a long-term basis, or otherwise set aside by the City or any other entity, with respect to the Capital Expenditures for the purposes described in Section 2(b).

Section 4.

Open Meeting.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

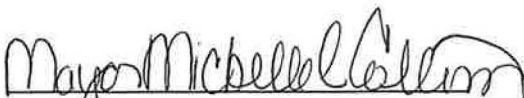
Passed: January 21, 2025

Attested:



Keysha Alexander, Clerk of Council

Approved:


Michelle L. Collins, Mayor

CERTIFICATE

I, undersigned Clerk of Council of the City of Miamisburg, Ohio hereby certify that the above ordinance is a true and correct copy as passed by the Council of the City of Miamisburg, this 21st day of January, 2025 and that at least a majority of the elected members voted in the affirmative on said motion.

A handwritten signature in black ink, appearing to read 'Keysha Alexander', written over a horizontal line.

Keysha Alexander, Clerk of Council

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

The undersigned has been authorized by Ordinance No. 7129 adopted by the City Council of the City of Miamisburg, Montgomery County, on January 21, 2025, to make this declaration.

The City is, or will be, proceeding with the design, engineering, acquisition and construction of capital improvements in the City and related costs (the "Project"). In connection with the Project, the City expects to make capital expenditures in the amount set forth below and expects to advance from its own funds money to pay for some or all of such capital expenditures.

The City reasonably expects to issue its notes or bonds to pay for such capital expenditures, and reasonably expects to reimburse itself from the proceeds of such issue for moneys advanced by it.

<u>Project</u>	<u>Capital Expenditures</u>
Park Improvements	\$10,000,000

**CITY OF MIAMISBURG, MONTGOMERY
COUNTY, OHIO**

By: _____

Title: _____

Dated: _____, 2025

ORDINANCE NO. 7130

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROJECT AGREEMENT WITH MIAMI TOWNSHIP FOR JOINT PARTICIPATION IN THE 2025 ASPHALT PAVING PROGRAM AND DECLARING AN EMERGENCY.

- WHEREAS, Miamisburg conducts competitive bidding for an annual asphalt paving program, and Miami Township would like to enter into an arrangement whereby Miamisburg would include certain designated Miami Township roadways in their 2025 asphalt paving program; and
- WHEREAS, Ohio Revised Code § 5535.08 (C)(1) authorizes the Parties to enter into such an agreement; and
- WHEREAS, it is the desire of both the City and Township that this resurfacing program be undertaken in a coordinated manner to reduce over-all construction costs; and
- WHEREAS, the City shall be designated as the lead agency to solicit bids for this resurfacing work in accordance with approved plans and specifications, and said solicitation to be made in accordance with applicable law; and
- WHEREAS, the Township shall reimburse the City for actual construction costs for work completed within Township boundaries based on contract unit prices, as-built quantities, and construction changes approved by the Township; and
- WHEREAS, the Township and City jointly desire to enter into a certain agreement for the roadway resurfacing, a copy of which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, STATE OF OHIO, TWO-THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING, THAT:

Section 1.

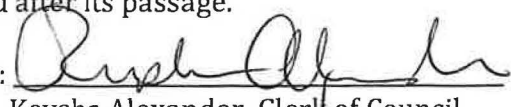
The City Manager is hereby authorized to enter into an agreement, attached herein as Exhibit "A", with Miami Township for joint participation in the City's 2025 Asphalt Paving Program.

Section 2.

This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that this agreement is needed at the earliest possible date to remain on schedule for the summer road maintenance season, therefore, this measure shall take effect and be in force from and after its passage.

Passed: January 21, 2025

Attested:


Keysha Alexander, Clerk of Council

Approved:


Michelle L. Collins, Mayor

EXHIBIT "A"

**AGREEMENT FOR JOINT PARTICIPATION IN AN
ASPHALT PAVING PROGRAM**

This Agreement is entered into on this ____ day of _____, 2025, by and between Miami Township, Montgomery County, Ohio (hereinafter "Miami Township"), and the City of Miamisburg, Montgomery County, Ohio (hereinafter "Miamisburg"). (Miamisburg and Miami Township are collectively referred to herein as the "Parties" and may be referred to individually as a "Party").

RECITALS

WHEREAS, Miamisburg conducts competitive bidding for an annual asphalt paving program, and Miami Township would like to enter into an arrangement whereby Miamisburg would include certain designated Miami Township roadways in their 2025 asphalt paving program bidding; and

WHEREAS, Ohio Revised Code § 5535.08 (C)(1) authorizes the Parties to enter into such an agreement,

NOW, THEREFORE, it is agreed by and between the Parties as follows:

- Section 1.** This Agreement shall commence on the ____ day of _____, 2025 (the "Effective Date") and shall continue until the 31st day of December, 2025.
- Section 2.** Miami Township has submitted a list of roadways to Miamisburg to be placed in Miamisburg's Asphalt Paving Program for competitive bidding.
- Section 3.** Miami Township agrees, at its cost, to aid Miamisburg in field inspections along Miami Township's list of roadways during the asphalt paving process.
- Section 4.** Miami Township shall reimburse Miamisburg for actual construction costs for work completed within township boundaries based on contract unit prices, as built quantities, and construction changes approved by the township. Payments shall be made to Miamisburg within thirty (30) days after receipt of an invoice.
- Section 5.** This Agreement may only be modified in writing and signed by both Parties.
- Section 6.** This Agreement may be executed in any number of counterparts, each of which is deemed an original but all of which constitute the same instrument.

SIGNATURE PAGE ONLY FOR JOINT PARTICIPATION AGREEMENT

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**CITY OF MIAMISBURG
MONTGOMERY COUNTY, OH**

**MIAMI TOWNSHIP
MONTGOMERY COUNTY, OH**

By: _____

By:  _____

Title: _____

Title: Township Administrator

ORDINANCE NO. 7132

AN ORDINANCE TO WAIVE THE REQUIREMENT FOR COMPETITIVE BIDDING AS REQUIRED BY LAW; TO AUTHORIZE THE CITY MANAGER TO ENTER INTO RELATED AGREEMENTS INCORPORATED THEREIN FOR THE SALE OF PROPERTY AT THE NORTHEAST CORNER OF SOLDIERS HOME ROAD AND UPPER RIVER ROAD (PID: K46 00704 0049), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Miamisburg owns the real property located at the northeast corner of the intersection of Soldier's Home and Upper River Roads identified on Exhibit "A" as Tracts 1; and

WHEREAS, the owner of the adjacent farm has requested to purchase this property from the City to incorporate into his current property; and

WHEREAS, the City has determined that due to the size, location and configuration of said tract, the appropriate disposition of this property is to sell it to the adjacent property owner; and

WHEREAS, the appropriate City departments have reviewed this request and have determined that this property is not needed for city operations, nor will the disposal of this property have any negative effects on the City; and

WHEREAS, the City Council, under its home rule powers, has necessarily waived the advertising and bidding requirement for the conveyance of Tract 1 as identified on Exhibit "A" to the adjoining property owners, Alexander and Courtney Pohlman.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIAMISBURG, OHIO, STATE OF OHIO, TWO THIRDS OF THE ELECTED MEMBERS THERETO CONCURRING, THAT:

Section 1.

Pursuant to its home rule powers, the City Council hereby determined that Tract 1 as identified in Exhibit "A" are surplus property and not needed for municipal purposes, that the City has examined its options for sale of the subject land and, based on the location, size, and configuration of said tract, waives the requirement for competitive bidding as otherwise required by law for reasons stated in the preamble hereof and authorizes the City Manager to execute the General Warranty Deed, attached hereto as Exhibit "B", attached hereto and made a part hereof. This is determined by the City Council to be in the public interest of the City of Miamisburg.

Section 2.

This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare and for the further reason that this deed needs to be accepted at the earliest possible date in order for the parcel to transfer to the recipient in a timely manner, therefore this ordinance shall be in force from and after its passage.

Passed: January 21, 2025

Attested: _____

Keysha Alexander, Clerk of Council

Approved: _____

Michelle Collins, Mayor

Exhibit "A"
Parcel K46 00704 0049



Exhibit "B"
General Warranty Deed

CORPORATION DEED

KNOW ALL MEN BY THESE PRESENTS That CITY OF MIAMISBURG, the grantor, a municipal corporation organized and existing under the laws of the State of Ohio in consideration of One Thousand Dollars (\$1,000.00) and other good and valuable consideration paid by ALEXANDER SETH POHLMAN and COURTNEY ANN POHLMAN, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY to ALEXANDER SETH POHLMAN and COURTNEY ANN POHLMAN, whose tax-mailing address is 6290 Upper River Road, Miamisburg, Ohio 45342, the following described *REAL PROPERTY*:

SEE ATTACHED EXHIBIT "A"

Subject, however, to all building, use, planning and zoning restrictions and limitation, and all easements, rights-of-way and protective covenants heretofore created, which are now applicable to and effective against said real estate.

IN WITNESS WHEREOF, the said City of Miamisburg, grantor has caused its municipal corporate name to be hereunto subscribed and affixed by Keith Johnson its City Manager, thereunto duly authorized by Ordinance No. _____ of its City Council, this ____th day of _____, 2025.

Signed and acknowledged:

City of Miamisburg

Keith Johnson, City Manager

STATE OF OHIO
COUNTY OF MONTGOMERY, SS:

BE IT REMEMBERED, that on this ____ day of _____, 2025, before me, the subscriber, a notary public in and for said state, personally came, Keith Johnson, City Manager, of the Grantor in the foregoing deed, and acknowledged the signing thereof to be his and its voluntary act and deed, pursuant to authority of its City Council.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last aforesaid.

Notary Public

This instrument prepared by:

K. Philip Callahan, Attorney at Law, 202 E. Central Ave., Miamisburg, Ohio 45342 Phone 937-866-9933

EXHIBIT "A"

*D.V.
C*
PARCEL 3ND-2

7-4-49

Located in Sections 2 and 3, Town 2, Range 5 East, City of Miamisburg, County of Montgomery, State of Ohio, and being part of Lot 3431 of the consecutive numbers of lots on the revised plat of the City of Miamisburg, and described as follows:

Beginning at a railroad spike located at the centerline intersection of Soldiers Home-Miamisburg Road and Manning Road, said railroad spike also being the Northwest corner of said Section 2 and the Northeast corner of Section 3;

Thence South $04^{\circ} 03' 45''$ East for a distance of 1,069.44 feet to a point;

Thence South $28^{\circ} 22' 38''$ East, for a distance of 101.60 feet to a point 30.81 feet right of relocated Soldiers Home-Miamisburg Road centerline Station 23+82.51, said point also being on the East property line of land conveyed to Charles V. and Pamela J. Carter by deed recorded in Microfiche 89-0428-A10-12, B01 in the deed records of Montgomery County, Ohio, said point also being on the existing centerline of Soldiers Home-Miamisburg Road, said point also being the True Place of Beginning;

Thence South $28^{\circ} 22' 38''$ East for a distance of 328.49 feet to a point 40.00 feet left of relocated Upper River Road centerline Station 1+53.14;

Thence in a Westerly direction on a curve to the left with a radius of 215.00 feet for a distance of 112.76 feet, the long chord of said curve bearing North $82^{\circ} 50' 20''$ West, for a distance of 111.48 feet to a point of compound curve, said point being 40.00 feet left of relocated Upper River Road centerline Station 0+60.66;

Thence in a Westerly direction on a curve to the right with a radius of 20.00 feet for a distance of 31.97 feet, the long chord of said curve bearing North $52^{\circ} 03' 59''$ West, for a distance of 28.68 feet to a point of reverse curve, said point being 40.00 feet right of relocated Soldiers Home-Miamisburg Road centerline Station 21+22.60;

Thence in a Northerly direction on a curve to the left with a radius of 5,689.58 feet for a distance of 197.58 feet, the long chord of said curve bearing North 05° 16' 28" West, for a distance of 197.57 feet to a point 40.00 feet right of relocated Soldiers Home-Miamisburg Road centerline Station 23+21.57;

Thence North 04° 27' 41" West, for a distance of 60.95 feet to the Place of Beginning.

Containing 0.394 acres, more or less, inclusive of the present road which occupies 0.104 acres, more or less.

Centerline Stations refer to the relocation of Soldiers Home-Miamisburg Road in 1990.