

**As Reported by the Senate Ways and Means and Economic
Development Committee**

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Sub. H. B. No. 313

Representatives Ujvagi, Winburn

**Cosponsors: Representatives Domenick, Patten, Murray, Hagan, Driehaus,
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Mecklenborg, Moran, Newcomb, Pillich, Szollosi, Weddington, Yates
Senators Miller, D., Schuring, Strahorn**

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A B I L L

To amend sections 1.62, 135.35, 323.78, 349.01,	1
349.03, 349.04, 349.06, 349.14, 1724.02, 1724.03,	2
1724.04, 1724.05, 5705.19, and 5722.22 and to	3
enact section 321.343 of the Revised Code to	4
authorize a county with a population greater than	5
60,000 to organize a county land reutilization	6
corporation, to authorize a county treasurer of a	7
county with such a corporation to utilize the	8
alternative redemption period in actions to	9
foreclose abandoned lands, to immunize a county	10
land reutilization corporation from liability for	11
breach of a common law duty in connection with a	12
parcel of land, to make other changes regarding	13
county land reutilization corporations, to specify	14
that county levies for Ohio state university	15
extension services may be levied in excess of the	16

ten-mill limitation, to authorize levies in excess 17
of the ten-mill limitation for expenses of soil 18
and water conservation districts, and to modify 19
the New Community Authority Law. 20

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1.62, 135.35, 323.78, 349.01, 21
349.03, 349.04, 349.06, 349.14, 1724.02, 1724.03, 1724.04, 22
1724.05, 5705.19, and 5722.22 be amended and section 321.343 of 23
the Revised Code be enacted to read as follows: 24

Sec. 1.62. As used in the Revised Code, unless the context of 25
a section does not permit the following or unless expressly 26
provided otherwise in a section: 27

(A) References to particular county officers, boards, 28
commissions, and authorities mean, in the case of a county that 29
has adopted a charter under Article X, Ohio Constitution, the 30
officer, board, commission, or authority of that county designated 31
by or pursuant to the charter to exercise the same powers or 32
perform the same acts, duties, or functions that are to be 33
exercised or performed under the applicable section of the Revised 34
Code by officers, boards, commissions, or authorities of counties 35
that have not adopted a charter. If any section of the Revised 36
Code requires county representation on a board, commission, or 37
authority by more than one county officer, and the charter vests 38
the powers, duties, or functions of each county officer 39
representing the county on the board, commission, or authority in 40
fewer officers or in only a single county officer, the county 41
officers or officer shall succeed to the representation of only 42
one of the county officers on the board, commission, or authority. 43
If any vacancy in the representation of the county on the board, 44
commission, or authority remains, the taxing authority of the 45

county shall adopt a resolution to fill the vacancy. 46

(B) References to resolutions mean, in the case of a county 47
that has adopted a charter under Article X, Ohio Constitution, the 48
appropriate form of legislation permitted by or pursuant to the 49
charter. 50

Sec. 135.35. (A) The investing authority shall deposit or 51
invest any part or all of the county's inactive moneys and shall 52
invest all of the money in the county public library fund when 53
required by section 135.352 of the Revised Code. The following 54
classifications of securities and obligations are eligible for 55
such deposit or investment: 56

(1) United States treasury bills, notes, bonds, or any other 57
obligation or security issued by the United States treasury, any 58
other obligation guaranteed as to principal or interest by the 59
United States, or any book entry, zero-coupon United States 60
treasury security that is a direct obligation of the United 61
States. 62

Nothing in the classification of eligible securities and 63
obligations set forth in divisions (A)(2) to (11) of this section 64
shall be construed to authorize any investment in stripped 65
principal or interest obligations of such eligible securities and 66
obligations. 67

(2) Bonds, notes, debentures, or any other obligations or 68
securities issued by any federal government agency or 69
instrumentality, including but not limited to, the federal 70
national mortgage association, federal home loan bank, federal 71
farm credit bank, federal home loan mortgage corporation, 72
government national mortgage association, and student loan 73
marketing association. All federal agency securities shall be 74
direct issuances of federal government agencies or 75
instrumentalities. 76

(3) Time certificates of deposit or savings or deposit 77
accounts, including, but not limited to, passbook accounts, in any 78
eligible institution mentioned in section 135.32 of the Revised 79
Code; 80

(4) Bonds and other obligations of this state or the 81
political subdivisions of this state, provided that such political 82
subdivisions are located wholly or partly within the same county 83
as the investing authority; 84

(5) No-load money market mutual funds consisting exclusively 85
of obligations described in division (A)(1) or (2) of this section 86
and repurchase agreements secured by such obligations, provided 87
that investments in securities described in this division are made 88
only through eligible institutions mentioned in section 135.32 of 89
the Revised Code; 90

(6) The Ohio subdivision's fund as provided in section 135.45 91
of the Revised Code; 92

(7) Securities lending agreements with any eligible 93
institution mentioned in section 135.32 of the Revised Code that 94
is a member of the federal reserve system or federal home loan 95
bank or with any recognized United States government securities 96
dealer meeting the description in division (J)(1) of this section, 97
under the terms of which agreements the investing authority lends 98
securities and the eligible institution or dealer agrees to 99
simultaneously exchange similar securities or cash, equal value 100
for equal value. 101

Securities and cash received as collateral for a securities 102
lending agreement are not inactive moneys of the county or moneys 103
of a county public library fund. The investment of cash collateral 104
received pursuant to a securities lending agreement may be 105
invested only in instruments specified by the investing authority 106
in the written investment policy described in division (K) of this 107

section.	108
(8) Up to twenty-five per cent of the county's total average portfolio in either of the following investments:	109 110
(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:	111 112 113 114
(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.	115 116 117
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	118 119 120
(iii) The notes mature not later than two hundred seventy days after purchase.	121 122
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and to which both of the following apply:	123 124 125
(i) The obligations are eligible for purchase by the federal reserve system.	126 127
(ii) The obligations mature not later than one hundred eighty days after purchase.	128 129
No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the auditor of state and may be conducted by or provided under the supervision of the auditor of state.	130 131 132 133 134 135 136
(9) Up to fifteen per cent of the county's total average	137

portfolio in notes issued by corporations that are incorporated 138
under the laws of the United States and that are operating within 139
the United States, or by depository institutions that are doing 140
business under authority granted by the United States or any state 141
and that are operating within the United States, provided both of 142
the following apply: 143

(a) The notes are rated in the second highest or higher 144
category by at least two nationally recognized standard rating 145
services at the time of purchase. 146

(b) The notes mature not later than two years after purchase. 147

(10) No-load money market mutual funds rated in the highest 148
category at the time of purchase by at least one nationally 149
recognized standard rating service and consisting exclusively of 150
obligations described in division (A)(1), (2), or (6) of section 151
135.143 of the Revised Code; 152

(11) Debt interests rated at the time of purchase in the 153
three highest categories by two nationally recognized standard 154
rating services and issued by foreign nations diplomatically 155
recognized by the United States government. All interest and 156
principal shall be denominated and payable in United States funds. 157
The investments made under division (A)(11) of this section shall 158
not exceed in the aggregate one per cent of a county's total 159
average portfolio. 160

The investing authority shall invest under division (A)(11) 161
of this section in a debt interest issued by a foreign nation only 162
if the debt interest is backed by the full faith and credit of 163
that foreign nation, there is no prior history of default, and the 164
debt interest matures not later than five years after purchase. 165
For purposes of division (A)(11) of this section, a debt interest 166
is rated in the three highest categories by two nationally 167
recognized standard rating services if either the debt interest 168

itself or the issuer of the debt interest is rated, or is 169
implicitly rated, at the time of purchase in the three highest 170
categories by two nationally recognized standard rating services. 171

(12) A current unpaid or delinquent tax line of credit 172
authorized under division (G) of section 135.341 of the Revised 173
Code, provided that all of the conditions for entering into such a 174
line of credit under that division are satisfied, or bonds and 175
other obligations of a county land reutilization corporation 176
organized under Chapter 1724. of the Revised Code, if the county 177
land reutilization corporation is located wholly or partly within 178
the same county as the investing authority. 179

(B) Nothing in the classifications of eligible obligations 180
and securities set forth in divisions (A)(1) to (11) of this 181
section shall be construed to authorize investment in a 182
derivative, and no investing authority shall invest any county 183
inactive moneys or any moneys in a county public library fund in a 184
derivative. For purposes of this division, "derivative" means a 185
financial instrument or contract or obligation whose value or 186
return is based upon or linked to another asset or index, or both, 187
separate from the financial instrument, contract, or obligation 188
itself. Any security, obligation, trust account, or other 189
instrument that is created from an issue of the United States 190
treasury or is created from an obligation of a federal agency or 191
instrumentality or is created from both is considered a derivative 192
instrument. An eligible investment described in this section with 193
a variable interest rate payment, based upon a single interest 194
payment or single index comprised of other eligible investments 195
provided for in division (A)(1) or (2) of this section, is not a 196
derivative, provided that such variable rate investment has a 197
maximum maturity of two years. A treasury inflation-protected 198
security shall not be considered a derivative, provided the 199
security matures not later than five years after purchase. 200

(C) Except as provided in division (D) of this section, any investment made pursuant to this section must mature within five years from the date of settlement, unless the investment is matched to a specific obligation or debt of the county or to a specific obligation or debt of a political subdivision of this state located wholly or partly within the county, and the investment is specifically approved by the investment advisory committee.

(D) The investing authority may also enter into a written repurchase agreement with any eligible institution mentioned in section 135.32 of the Revised Code or any eligible securities dealer pursuant to division (J) of this section, under the terms of which agreement the investing authority purchases and the eligible institution or dealer agrees unconditionally to repurchase any of the securities listed in divisions (B)(1) to (5), except letters of credit described in division (B)(2), of section 135.18 of the Revised Code. The market value of securities subject to an overnight written repurchase agreement must exceed the principal value of the overnight written repurchase agreement by at least two per cent. A written repurchase agreement must exceed the principal value of the overnight written repurchase agreement, by at least two per cent. A written repurchase agreement shall not exceed thirty days, and the market value of securities subject to a written repurchase agreement must exceed the principal value of the written repurchase agreement by at least two per cent and be marked to market daily. All securities purchased pursuant to this division shall be delivered into the custody of the investing authority or the qualified custodian of the investing authority or an agent designated by the investing authority. A written repurchase agreement with an eligible securities dealer shall be transacted on a delivery versus payment basis. The agreement shall contain the requirement that for each transaction pursuant to the agreement the participating

institution shall provide all of the following information:	234
(1) The par value of the securities;	235
(2) The type, rate, and maturity date of the securities;	236
(3) A numerical identifier generally accepted in the securities industry that designates the securities.	237
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No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees to sell securities owned by the county to a purchaser and agrees with that purchaser to unconditionally repurchase those securities.	239
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(E) No investing authority shall make an investment under this section, unless the investing authority, at the time of making the investment, reasonably expects that the investment can be held until its maturity. The investing authority's written investment policy shall specify the conditions under which an investment may be redeemed or sold prior to maturity.	244
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(F) No investing authority shall pay a county's inactive moneys or moneys of a county public library fund into a fund established by another subdivision, treasurer, governing board, or investing authority, if that fund was established by the subdivision, treasurer, governing board, or investing authority for the purpose of investing or depositing the public moneys of other subdivisions. This division does not apply to the payment of public moneys into either of the following:	250
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(1) The Ohio subdivision's fund pursuant to division (A)(6) of this section;	258
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(2) A fund created solely for the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities pursuant to the authority provided under section 715.02 of the Revised Code or Section 4 of Article XVIII, Ohio Constitution.	260
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For purposes of division (F) of this section, "subdivision" 264
includes a county. 265

(G) The use of leverage, in which the county uses its current 266
investment assets as collateral for the purpose of purchasing 267
other assets, is prohibited. The issuance of taxable notes for the 268
purpose of arbitrage is prohibited. Contracting to sell securities 269
not owned by the county, for the purpose of purchasing such 270
securities on the speculation that bond prices will decline, is 271
prohibited. 272

(H) Any securities, certificates of deposit, deposit 273
accounts, or any other documents evidencing deposits or 274
investments made under authority of this section shall be issued 275
in the name of the county with the county treasurer or investing 276
authority as the designated payee. If any such deposits or 277
investments are registrable either as to principal or interest, or 278
both, they shall be registered in the name of the treasurer. 279

(I) The investing authority shall be responsible for the 280
safekeeping of all documents evidencing a deposit or investment 281
acquired under this section, including, but not limited to, 282
safekeeping receipts evidencing securities deposited with a 283
qualified trustee, as provided in section 135.37 of the Revised 284
Code, and documents confirming the purchase of securities under 285
any repurchase agreement under this section shall be deposited 286
with a qualified trustee, provided, however, that the qualified 287
trustee shall be required to report to the investing authority, 288
auditor of state, or an authorized outside auditor at any time 289
upon request as to the identity, market value, and location of the 290
document evidencing each security, and that if the participating 291
institution is a designated depository of the county for the 292
current period of designation, the securities that are the subject 293
of the repurchase agreement may be delivered to the treasurer or 294
held in trust by the participating institution on behalf of the 295

investing authority. 296

Upon the expiration of the term of office of an investing 297
authority or in the event of a vacancy in the office for any 298
reason, the officer or the officer's legal representative shall 299
transfer and deliver to the officer's successor all documents 300
mentioned in this division for which the officer has been 301
responsible for safekeeping. For all such documents transferred 302
and delivered, the officer shall be credited with, and the 303
officer's successor shall be charged with, the amount of moneys 304
evidenced by such documents. 305

(J)(1) All investments, except for investments in securities 306
described in divisions (A)(5) ~~and~~, (6), and (12) of this section, 307
shall be made only through a member of the national association of 308
securities dealers, through a bank, savings bank, or savings and 309
loan association regulated by the superintendent of financial 310
institutions, or through an institution regulated by the 311
comptroller of the currency, federal deposit insurance 312
corporation, or board of governors of the federal reserve system. 313

(2) Payment for investments shall be made only upon the 314
delivery of securities representing such investments to the 315
treasurer, investing authority, or qualified trustee. If the 316
securities transferred are not represented by a certificate, 317
payment shall be made only upon receipt of confirmation of 318
transfer from the custodian by the treasurer, governing board, or 319
qualified trustee. 320

(K)(1) Except as otherwise provided in division (K)(2) of 321
this section, no investing authority shall make an investment or 322
deposit under this section, unless there is on file with the 323
auditor of state a written investment policy approved by the 324
investing authority. The policy shall require that all entities 325
conducting investment business with the investing authority shall 326
sign the investment policy of that investing authority. All 327

brokers, dealers, and financial institutions, described in 328
division (J)(1) of this section, initiating transactions with the 329
investing authority by giving advice or making investment 330
recommendations shall sign the investing authority's investment 331
policy thereby acknowledging their agreement to abide by the 332
policy's contents. All brokers, dealers, and financial 333
institutions, described in division (J)(1) of this section, 334
executing transactions initiated by the investing authority, 335
having read the policy's contents, shall sign the investment 336
policy thereby acknowledging their comprehension and receipt. 337

(2) If a written investment policy described in division 338
(K)(1) of this section is not filed on behalf of the county with 339
the auditor of state, the investing authority of that county shall 340
invest the county's inactive moneys and moneys of the county 341
public library fund only in time certificates of deposits or 342
savings or deposit accounts pursuant to division (A)(3) of this 343
section, no-load money market mutual funds pursuant to division 344
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 345
division (A)(6) of this section. 346

(L)(1) The investing authority shall establish and maintain 347
an inventory of all obligations and securities acquired by the 348
investing authority pursuant to this section. The inventory shall 349
include a description of each obligation or security, including 350
type, cost, par value, maturity date, settlement date, and any 351
coupon rate. 352

(2) The investing authority shall also keep a complete record 353
of all purchases and sales of the obligations and securities made 354
pursuant to this section. 355

(3) The investing authority shall maintain a monthly 356
portfolio report and issue a copy of the monthly portfolio report 357
describing such investments to the county investment advisory 358
committee, detailing the current inventory of all obligations and 359

securities, all transactions during the month that affected the 360
inventory, any income received from the obligations and 361
securities, and any investment expenses paid, and stating the 362
names of any persons effecting transactions on behalf of the 363
investing authority. 364

(4) The monthly portfolio report shall be a public record and 365
available for inspection under section 149.43 of the Revised Code. 366

(5) The inventory and the monthly portfolio report shall be 367
filed with the board of county commissioners. 368

(M) An investing authority may enter into a written 369
investment or deposit agreement that includes a provision under 370
which the parties agree to submit to nonbinding arbitration to 371
settle any controversy that may arise out of the agreement, 372
including any controversy pertaining to losses of public moneys 373
resulting from investment or deposit. The arbitration provision 374
shall be set forth entirely in the agreement, and the agreement 375
shall include a conspicuous notice to the parties that any party 376
to the arbitration may apply to the court of common pleas of the 377
county in which the arbitration was held for an order to vacate, 378
modify, or correct the award. Any such party may also apply to the 379
court for an order to change venue to a court of common pleas 380
located more than one hundred miles from the county in which the 381
investing authority is located. 382

For purposes of this division, "investment or deposit 383
agreement" means any agreement between an investing authority and 384
a person, under which agreement the person agrees to invest, 385
deposit, or otherwise manage, on behalf of the investing 386
authority, a county's inactive moneys or moneys in a county public 387
library fund, or agrees to provide investment advice to the 388
investing authority. 389

(N) An investment held in the county portfolio on September 390

27, 1996, that was a legal investment under the law as it existed 391
before September 27, 1996, may be held until maturity, or if the 392
investment does not have a maturity date the investment may be 393
held until five years from September 27, 1996, regardless of 394
whether the investment would qualify as a legal investment under 395
the terms of this section as amended. 396

Sec. 321.343. A county treasurer of a county in which a 397
county land reutilization corporation has been organized under 398
Chapter 1724. of the Revised Code may enter into an agreement with 399
the county land reutilization corporation for the benefit of the 400
holders of debt obligations of the corporation for the repayment 401
of which will be pledged the penalties and interest on current 402
year unpaid taxes and current year delinquent taxes, as defined in 403
and available under section 321.341 of the Revised Code. The 404
pledge agreement may include, without limitation, a pledge by the 405
county treasurer of and a grant of a security interest in the 406
penalties and interest deposited into the county land 407
reutilization fund to the payment of debt service on the debt 408
obligations and a covenant of the county treasurer to continue to 409
make the special tax advances authorized under section 321.341 of 410
the Revised Code when the debt obligations remain outstanding if 411
necessary to generate from the penalties and interest at least the 412
amount needed to pay the debt service on the debt obligations when 413
due. The penalties and interest so pledged and so deposited are 414
immediately subject to the pledge and security interest without 415
any physical delivery thereof or further act. The pledge and 416
security interest are valid, binding, and enforceable against all 417
parties having claims of any kind against the county land 418
reutilization corporation or the county treasurer, irrespective of 419
notice thereof, and such pledge and grant of a security interest 420
creates a perfected security interest for all purposes of Chapter 421
1309. of the Revised Code, without the necessity for separation or 422

delivery or possession of the pledged penalties and interest, or 423
for the filing or recording of the document by which the pledge 424
and security interest are created. The penalties and interest so 425
deposited may be applied to the purposes for which pledged without 426
necessity for any act of appropriation. The performance under this 427
pledge agreement is expressly determined and declared to be a duty 428
specifically enjoined by law upon the county treasurer and each 429
officer and employee having authority to perform the duty of the 430
county treasurer resulting from an office, trust, or station, 431
within the meaning of section 2731.01 of the Revised Code, 432
enforceable by writ of mandamus. 433

Sec. 323.78. Notwithstanding anything in Chapters 323., 434
5721., and 5723. of the Revised Code, if the county treasurer of a 435
county ~~having a population of more than one million two hundred~~ 436
~~thousand as of the most recent decennial census~~ in which a county 437
land reutilization operates, in any petition for foreclosure of 438
abandoned lands, elects to invoke the alternative redemption 439
period, then upon any adjudication of foreclosure by any court or 440
the board of revision in any proceeding under section 323.25, 441
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 442
the following apply: 443

(A) Unless otherwise ordered by a motion of the court or 444
board of revision, the petition shall assert, and any notice of 445
final hearing shall include, that upon foreclosure of the parcel, 446
the equity of redemption in any parcel by its owner shall be 447
forever terminated after the expiration of the alternative 448
redemption period, that the parcel thereafter may be sold at 449
sheriff's sale either by itself or together with other parcels as 450
permitted by law; or that the parcel may, by order of the court or 451
board of revision, be transferred directly to a municipal 452
corporation, township, county, school district, or county land 453
reutilization corporation without appraisal and without a sale, 454

free and clear of all impositions and any other liens on the 455
property, which shall be deemed forever satisfied and discharged. 456

(B) After the expiration of the alternative redemption period 457
following an adjudication of foreclosure, by order of the court or 458
board of revision, any equity of redemption is forever 459
extinguished, and the parcel may be transferred individually or in 460
lots with other tax-foreclosed properties to a municipal 461
corporation, township, county, school district, or county land 462
reutilization corporation without appraisal and without a sale, 463
upon which all impositions and any other liens subordinate to 464
liens for impositions due at the time the deed to the property is 465
conveyed to a purchaser or transferred to a community development 466
organization, county land reutilization corporation, municipal 467
corporation, county, township, or school district, shall be deemed 468
satisfied and discharged. Other than the order of the court or 469
board of revision so ordering the transfer of the parcel, no 470
further act of confirmation or other order shall be required for 471
such a transfer, or for the extinguishment of any right of 472
redemption. 473

(C) Upon the expiration of the alternative redemption period 474
in cases to which the alternative redemption period has been 475
ordered, if no community development organization, county land 476
reutilization corporation, municipal corporation, county, 477
township, or school district has requested title to the parcel, 478
the court or board of revision may order the property sold as 479
otherwise provided in Chapters 323. and 5721. of the Revised Code, 480
and, failing any bid at any such sale, the parcel shall be 481
forfeited to the state and otherwise disposed of pursuant to 482
Chapter 5723. of the Revised Code. 483

Sec. 349.01. As used in this chapter: 484

(A) "New community" means a community or an addition to an 485

existing community planned pursuant to this chapter so that it 486
includes facilities for the conduct of industrial, commercial, 487
residential, cultural, educational, and recreational activities, 488
and designed in accordance with planning concepts for the 489
placement of utility, open space, and other supportive facilities. 490

In the case of a new community authority established on or 491
after the effective date of this amendment and before January 1, 492
2012, "new community" may mean a community or development of 493
property planned under this chapter in relation to an existing 494
community so that the community includes facilities for the 495
conduct of community activities, and is designed in accordance 496
with planning concepts for the placement of utility, open space, 497
and other supportive facilities for the community. 498

(B) "New community development program" means a program for 499
the development of a new community characterized by well-balanced 500
and diversified land use patterns and which includes land 501
acquisition and land development, the acquisition, construction, 502
operation, and maintenance of community facilities, and the 503
provision of services authorized in this chapter. 504

In the case of a new community authority established on or 505
after the effective date of this amendment and before January 1, 506
2012, a new community development program may take into account 507
any existing community in relation to which a new community is 508
developed for purposes of being characterized by well-balanced and 509
diversified land use patterns. 510

(C) "New community district" means the area of land described 511
by the developer in the petition as set forth in division (A) of 512
section 349.03 of the Revised Code for development as a new 513
community and any lands added to the district by amendment of the 514
resolution establishing the community authority. 515

(D) "New community authority" means a body corporate and 516

politic in this state, established pursuant to section 349.03 of 517
the Revised Code and governed by a board of trustees as provided 518
in section 349.04 of the Revised Code. 519

(E) "Developer" means any person, organized for carrying out 520
a new community development program who owns or controls, through 521
leases of at least seventy-five years' duration, options, or 522
contracts to purchase, the land within a new community district, 523
or any municipal corporation, county, or port authority that owns 524
the land within a new community district, or has the ability to 525
acquire such land, either by voluntary acquisition or condemnation 526
in order to eliminate slum, blighted, and deteriorated or 527
deteriorating areas and to prevent the recurrence thereof. In the 528
case of a new community authority established on or after the 529
effective date of this amendment and before January 1, 2012, 530
"developer" may mean a person, municipal corporation, county, or 531
port authority that controls land within a new community district 532
through leases of at least forty years' duration. 533

(F) "Organizational board of commissioners" means, if the new 534
community district is located in only one county, the board of 535
county commissioners of such county; if located in more than one 536
county, a board consisting of the members of the board of county 537
commissioners of each of the counties in which the district is 538
located, provided that action of such board shall require a 539
majority vote of the members of each separate board of county 540
commissioners; or, if more than half of the new community district 541
is located within the boundaries of the most populous municipal 542
corporation of a county, the legislative authority of the 543
municipal corporation. 544

(G) "Land acquisition" means the acquisition of real property 545
and interests in real property as part of a new community 546
development program. 547

(H) "Land development" means the process of clearing and 548

grading land, making, installing, or constructing water 549
distribution systems, sewers, sewage collection systems, steam, 550
gas, and electric lines, roads, streets, curbs, gutters, 551
sidewalks, storm drainage facilities, and other installations or 552
work, whether within or without the new community district, and 553
the construction of community facilities. 554

(I)(1) "Community facilities" means all real property, 555
buildings, structures, or other facilities, including related 556
fixtures, equipment, and furnishings, to be owned, operated, 557
financed, constructed, and maintained under this chapter, 558
including public, community, village, neighborhood, or town 559
buildings, centers and plazas, auditoriums, day care centers, 560
recreation halls, educational facilities, hospital facilities as 561
defined in section 140.01 of the Revised Code, recreational 562
facilities, natural resource facilities, including parks and other 563
open space land, lakes and streams, cultural facilities, community 564
streets, pathway and bikeway systems, pedestrian underpasses and 565
overpasses, lighting facilities, design amenities, or other 566
community facilities, and buildings needed in connection with 567
water supply or sewage disposal installations or steam, gas, or 568
electric lines or installation. 569

(2) In the case of a new community authority established on 570
or after the effective date of this amendment and before January 571
1, 2012, "community facilities" may mean, in addition to the 572
facilities authorized in division (I)(1) of this section, any 573
community facilities that are owned, operated, financed, 574
constructed, or maintained for, relating to, or in furtherance of 575
community activities, including, but not limited to, town 576
buildings or other facilities, health care facilities including, 577
but limited to, hospital facilities, and off-street parking 578
facilities. 579

(J) "Cost" as applied to a new community development program 580

means all costs related to land acquisition and land development, 581
the acquisition, construction, maintenance, and operation of 582
community facilities and offices of the community authority, and 583
of providing furnishings and equipment therefor, financing charges 584
including interest prior to and during construction and for the 585
duration of the new community development program, planning 586
expenses, engineering expenses, administrative expenses including 587
working capital, and all other expenses necessary and incident to 588
the carrying forward of the new community development program. 589

(K) "Income source" means any and all sources of income to 590
the community authority, including community development charges 591
of which the new community authority is the beneficiary as 592
provided in section 349.07 of the Revised Code, rentals, user fees 593
and other charges received by the new community authority, any 594
gift or grant received, any moneys received from any funds 595
invested by or on behalf of the new community authority, and 596
proceeds from the sale or lease of land and community facilities. 597

(L) "Community development charge" means a: 598

(1) A dollar amount which shall be determined on the basis of 599
the assessed valuation of real property or interests in real 600
property in a new community district sold, leased, or otherwise 601
conveyed by the developer or the new community authority, the 602
income of the residents of such property subject to such charge 603
under section 349.07 of the Revised Code, if such property is 604
devoted to residential uses or to the profits of any business, a 605
uniform fee on each parcel of such real property originally sold, 606
leased, or otherwise conveyed by the developer or new community 607
authority, or any combination of the foregoing bases. 608

(2) For a new community authority that is established on or 609
after the effective date of this amendment and before January 1, 610
2012, "community development charge" includes, in addition to the 611
charges authorized in division (L)(1) of this section, a charge 612

determined on the basis of all or a part of the income of the 613
residents of real property within the new community district if 614
such property is devoted to residential uses, or all or a part of 615
the profits, gross receipts, or other revenues of any business 616
operating in the new community district. 617

(M) "Proximate city" means any city that, as of the date of 618
filing of the petition under section 349.03 of the Revised Code, 619
is the ~~most populous~~ city ~~of~~ with the greatest population located 620
in the county in which the proposed new community district is 621
located, is the ~~most populous~~ city ~~of~~ with the greatest population 622
located in an adjoining county if any portion of such city is 623
within five miles of any part of the boundaries of such district, 624
or exercises extraterritorial subdivision authority under section 625
711.09 of the Revised Code with respect to any part of such 626
district. 627

(N) "Community activities" means cultural, educational, 628
governmental, recreational, residential, industrial, commercial, 629
distribution and research activities, or any combination thereof 630
that includes residential activities. 631

Sec. 349.03. (A) Proceedings for the organization of a new 632
community authority shall be initiated by a petition filed by the 633
developer in the office of the clerk of the board of county 634
commissioners of one of the counties in which all or part of the 635
proposed new community district is located. Such petition shall be 636
signed by the developer and may be signed by each proximate city. 637
The legislative authorities of each such proximate city shall act 638
in behalf of such city. Such petition shall contain: 639

(1) The name of the proposed new community authority; 640

(2) The address where the principal office of the authority 641
will be located or the manner in which the location will be 642
selected; 643

(3) A map and a full and accurate description of the 644
boundaries of the new community district together with a 645
description of the properties within such boundaries, if any, 646
which will not be included in the new community district. Unless 647
the district is wholly contained within municipalities, the total 648
acreage included in such district shall not be less than one 649
thousand acres, all of which acreage shall be owned by, or under 650
the control through leases of at least seventy-five years 651
duration, options, or contracts to purchase, of the developer, if 652
the developer is a private entity. Such acreage shall be 653
developable as one functionally interrelated community. In the 654
case of a new community authority established on or after the 655
effective date of this amendment and before January 1, 2012, such 656
leases may be of not less than forty years' duration, and the 657
acreage may be developable so that the community is one 658
functionally interrelated community. 659

(4) A statement setting forth the zoning regulations proposed 660
for zoning the area within the boundaries of the new community 661
district for comprehensive development as a new community, and if 662
the area has been zoned for such development, a certified copy of 663
the applicable zoning regulations therefor; 664

(5) A current plan indicating the proposed development 665
program for the new community district, the land acquisition and 666
land development activities, community facilities, ~~and~~ services 667
~~which it is proposed to be undertaken by~~ the new community 668
authority ~~will undertake~~ under such program ~~and~~, the proposed 669
method of financing such activities and services, including a 670
description of the bases, timing, and manner of collecting any 671
proposed community development charges, and the projected total 672
residential population of, and employment within, the new 673
community; 674

(6) A suggested number of members, consistent with section 675

349.04 of the Revised Code, for the board of trustees; 676

(7) A preliminary economic feasibility analysis, including 677
the area development pattern and demand, location and proposed new 678
community district size, present and future socio-economic 679
conditions, public services provision, financial plan, and the 680
developer's management capability; 681

(8) A statement that the development will comply with all 682
applicable environmental laws and regulations. 683

Upon the filing of such petition, the organizational board of 684
commissioners shall determine whether such petition complies with 685
the requirements of this section as to form and substance. The 686
board in subsequent proceedings may at any time permit the 687
petition to be amended in form and substance to conform to the 688
facts by correcting any errors in the description of the proposed 689
new community district or in any other particular. 690

Upon the determination of the organizational board of 691
commissioners that a sufficient petition has been filed in 692
accordance with this section, the board shall fix the time and 693
place of a hearing on the petition for the establishment of the 694
proposed new community authority. Such hearing shall be held not 695
less than ninety-five nor more than one hundred fifteen days after 696
the petition filing date, except that if the petition has been 697
signed by all proximate cities, such hearing shall be held not 698
less than thirty nor more than forty-five days after the petition 699
filing date. The clerk of the board of county commissioners with 700
which the petition was filed shall give notice thereof by 701
publication once each week for three consecutive weeks in a 702
newspaper of general circulation in any county of which a portion 703
is within the proposed new community district. Such clerk shall 704
also give written notice of the date, time, and place of the 705
hearing and furnish a certified copy of the petition to the clerk 706
of the legislative authority of each proximate city which has not 707

signed such petition. In the event that the legislative authority 708
of a proximate city which did not sign the petition does not 709
approve by ordinance, resolution, or motion the establishment of 710
the proposed new community authority and does not deliver such 711
ordinance, resolution, or motion to the clerk of the board of 712
county commissioners with which the petition was filed within 713
ninety days following the date of the first publication of the 714
notice of the public hearing, the organizational board of 715
commissioners shall cancel such public hearing and terminate the 716
proceedings for the establishment of the new community authority. 717

Upon the hearing, if the organizational board of 718
commissioners determines by resolution that the proposed new 719
community district will be conducive to the public health, safety, 720
convenience, and welfare, and is intended to result in the 721
development of a new community, the board shall by its resolution, 722
entered of record in its journal and the journal of the board of 723
county commissioners with which the petition was filed, declare 724
the new community authority to be organized and a body politic and 725
corporate with the corporate name designated in the resolution, 726
and define the boundary of the new community district. In 727
addition, the resolution shall provide the method of selecting the 728
board of trustees of the new community authority and fix the 729
surety for their bonds in accordance with section 349.04 of the 730
Revised Code. 731

If the organizational board of commissioners finds that the 732
establishment of the district will not be conducive to the public 733
health, safety, convenience, or welfare, or is not intended to 734
result in the development of a new community, it shall reject the 735
petition thereby terminating the proceedings for the establishment 736
of the new community authority. 737

(B) At any time after the creation of a new community 738
authority, the developer may file an application with the clerk of 739

the board of county commissioners of the county in which the 740
original petition was filed, setting forth a general description 741
of territory it desires to add or to delete from such district, 742
that such change will be conducive to the public health, safety, 743
convenience, and welfare, and will be consistent with the 744
development of a new community and will not jeopardize the plan of 745
the new community. If the developer is not a municipal 746
corporation, port authority, or county, all of such an addition to 747
such a district shall be owned by, or under the control through 748
leases of at least seventy-five years duration, options, or 749
contracts to purchase, of the developer. In the case of a new 750
community authority established on or after the effective date of 751
this amendment and before January 1, 2012, such leases may be of 752
not less than forty years' duration. Upon the filing of the 753
application, the organizational board of commissioners shall 754
follow the same procedure as required by this section in relation 755
to the petition for the establishment of the proposed new 756
community. 757

(C) If all or any part of the new community district is 758
annexed to one or more existing municipal corporations, their 759
legislative authorities may appoint persons to replace any 760
appointed citizen member of the board of trustees. The number of 761
such trustees to be replaced by the municipal corporation shall be 762
the number, rounded to the lowest integer, bearing the 763
proportionate relationship to the number of existing appointed 764
citizen members as the acreage of the new community district 765
within such municipal corporation bears to the total acreage of 766
the new community district. If any such municipal corporation 767
chooses to replace an appointed citizen member, it shall do so by 768
ordinance, the term of the trustee being replaced shall terminate 769
thirty days from the date of passage of such ordinance, and the 770
trustee to be replaced shall be determined by lot. Each newly 771
appointed member shall assume the term of ~~his~~ the member's 772

predecessor. 773

Sec. 349.04. The following method of selecting a board of 774
trustees is deemed to be a compelling state interest. Within ten 775
days after the new community authority has been established, as 776
provided in section 349.03 of the Revised Code, an initial board 777
of trustees shall be appointed as follows; the organizational 778
board of commissioners shall appoint by resolution at least three, 779
but not more than six, citizen members of the board of trustees to 780
represent the interests of present and future residents of the new 781
community district and one member to serve as a representative of 782
local government, and the developer shall appoint a number of 783
members equal to the number of citizen members to serve as 784
representatives of the developer. ~~Members~~ In the case of a new 785
community authority established on or after the effective date of 786
this amendment and before January 1, 2012, the citizen members may 787
represent present and future employers within the new community 788
district and any present or future residents of the district. 789

Members shall serve two-year overlapping terms, with two of 790
each of the initial citizen and developer members appointed to 791
serve initial one year terms. The organizational board of 792
commissioners shall by further resolution adopted within one year 793
of such resolution establishing such initial board of trustees 794
adopt a method for selection of successor members thereof which 795
determines the projected total population of the projected new 796
community and meets the following criteria: 797

(A) The appointed citizen members shall be replaced by 798
elected citizen members according to a schedule established by the 799
organizational board of commissioners calculated to achieve one 800
such replacement each time the new community district gains a 801
proportion, having a numerator of one and a denominator of twice 802
the number of citizen members, of its projected total population 803

until such time as all of the appointed citizen members are 804
replaced. 805

(B) Representatives of the developer shall be replaced by 806
elected citizen members according to a schedule established by the 807
organizational board of commissioners calculated to achieve one 808
such replacement each time the new community district gains a 809
proportion, having a numerator of one and a denominator equal to 810
the number of developer members, of its projected total population 811
until such time as all of the developer's representatives are 812
replaced. 813

(C) The representative of local government shall be replaced 814
by an elected citizen member at the time the new community 815
district gains three-quarters of its projected total population. 816

Elected citizen members of the board of trustees shall be 817
elected by a majority of the residents of the new community 818
district voting at elections held on the first Tuesday after the 819
first Monday in December of each year. Each citizen member except 820
an appointed citizen member shall be a qualified elector who 821
resides within the new community district. Citizen In the case of 822
a new community authority established on or after the effective 823
date of this amendment and before January 1, 2012, the 824
organizational board of directors, by resolution, may adopt an 825
alternative method of selection of successor members of the board 826
of trustees. If the alternative method provides for the election 827
of citizen members, the elections may be held at the times and in 828
the manner provided in a resolution of the organizational board of 829
commissioners, and the elected citizen members shall be qualified 830
electors who resides in the new community district. 831

Citizen members shall not be employees of or have financial 832
interest in the developer. If a vacancy occurs in the office of a 833
member other than a member appointed by the developer, the 834
organizational board of commissioners may appoint a successor 835

member for the remainder of the unexpired term. Any appointed 836
member of the board of trustees may at any time be removed by the 837
organizational board of commissioners for misfeasance, 838
nonfeasance, or malfeasance in office. Members appointed by the 839
developer may also at any time be removed by the developer without 840
a showing of cause. 841

Each member of the board of trustees, before entering upon 842
~~his~~ official duties, shall take and subscribe to an oath before an 843
officer authorized to administer oaths in Ohio that ~~he~~ the member 844
will honestly and faithfully perform the duties of ~~his~~ the 845
member's office. Such oath shall be filed in the office of the 846
clerk of the board of county commissioners in which the petition 847
was filed. Upon taking the oath, the board of trustees shall elect 848
one of its number as ~~chairman~~ chairperson and another as 849
~~vice-chairman~~ vice-chairperson, and shall appoint suitable persons 850
as secretary and treasurer who need not be members of the board. 851
The treasurer shall be the fiscal officer of the authority. The 852
board shall adopt by-laws governing the administration of the 853
affairs of the new community authority. Each member of the board 854
shall post a bond for the faithful performance of ~~his~~ official 855
duties and give surety therefor in such amount, but not less than 856
ten thousand dollars, as the resolution creating such board shall 857
prescribe. 858

All of the powers of the new community authority shall be 859
exercised by its board of trustees, but without relief of such 860
responsibility, such powers may be delegated to committees of the 861
board or its officers and employees in accordance with its 862
by-laws. A majority of the board shall constitute a quorum, and a 863
concurrence of a majority of a quorum in any matter within the 864
board's duties is sufficient for its determination, provided a 865
quorum is present when such concurrence is had and a majority of 866
those members constituting such quorum are trustees not appointed 867

by the developer. All trustees shall be empowered to vote on all 868
matters within the authority of the board of trustees, and no vote 869
by a member appointed by the developer shall be construed to give 870
rise to civil or criminal liability for conflict of interest on 871
the part of public officials. 872

Sec. 349.06. In furtherance of the purposes of this chapter, 873
a new community authority may: 874

(A) Acquire by purchase, lease, gift, or otherwise, on such 875
terms and in such manner as it considers proper, real and personal 876
property or any estate, interest, or right therein, within or 877
without the new community district; 878

(B) Improve, maintain, sell, lease or otherwise dispose of 879
real and personal property and community facilities, on such terms 880
and in such manner as it considers proper; 881

(C) Landscape and otherwise aesthetically improve areas 882
within the new community district, including but not limited to 883
maintenance, landscaping and other community improvement services; 884

(D) Provide, engage in, or otherwise sponsor recreational, 885
educational, health, social, vocational, cultural, beautification, 886
and amusement activities and related services primarily for 887
residents of the district~~†~~. In the case of a new community 888
authority established on or after the effective date of this 889
amendment and before January 1, 2012, such activities and services 890
may be for residents of, visitors to, employees working within, or 891
employers operating businesses in the district, or any combination 892
thereof. 893

(E) Fix, alter, impose, collect and receive service and user 894
fees, rentals, and other charges to cover all costs in carrying 895
out the new community development program; 896

(F) Adopt, modify, and enforce reasonable rules and 897

regulations governing the use of community facilities; 898

(G) Employ such managers, administrative officers, agents, 899
engineers, architects, attorneys, contractors, sub-contractors, 900
and employees as may be appropriate in the exercise of the rights, 901
powers and duties conferred upon it, prescribe the duties and 902
compensation for such persons, require bonds to be given by any 903
such persons and by officers of the authority for the faithful 904
performance of their duties, and fix the amount and surety 905
therefor; and pay the same; 906

(H) Sue and be sued in its corporate name; 907

(I) Make and enter into all contracts and agreements and 908
execute all instruments relating to a new community development 909
program, including contracts with the developer and other persons 910
or entities related thereto for land acquisition and land 911
development; acquisition, construction, and maintenance of 912
community facilities; the provision of community services and 913
management and coordinating services; with federal, state, 914
interstate, regional, and local agencies and political 915
subdivisions or combinations thereof in connection with the 916
financing of such program, and with any municipal corporation or 917
other public body, or combination thereof, providing for the 918
acquisition, construction, improvement, extension, maintenance or 919
operation of joint lands or facilities or for the provision of any 920
services or activities relating to and in furtherance of a new 921
community development program, including the creation of or 922
participation in a regional transit authority created pursuant to 923
the Revised Code; 924

(J) Apply for and accept grants, loans or commitments of 925
guarantee or insurance including any guarantees of community 926
authority bonds and notes, from the United States, the state, or 927
other public body or other sources, and provide any consideration 928
which may be required in order to obtain such grants, loans or 929

contracts of guarantee or insurance. Such loans or contracts of 930
guarantee or insurance may be evidenced by the issuance of bonds 931
as provided in section 349.08 of the Revised Code; 932

(K) Procure insurance against loss to it by reason of damage 933
to its properties resulting from fire, theft, accident, or other 934
casualties, or by reason of its liability for any damages to 935
persons or property occurring in the construction or operation of 936
facilities or areas under its jurisdiction or the conduct of its 937
activities; 938

(L) Maintain such funds or reserves as it considers necessary 939
for the efficient performance of its duties; 940

(M) Enter agreements with the boards of education of any 941
school districts in which all or part of the new community 942
district lies, whereby the community authority may acquire 943
property for, may construct and equip, and may sell, lease, 944
dedicate, with or without consideration, or otherwise transfer 945
lands, schools, classrooms, or other facilities, whether or not 946
within the new community district, from the authority to the 947
school district for school and related purposes; 948

(N) Prepare plans for acquisition and development of lands 949
and facilities, and enter into agreements with city, county, or 950
regional planning commissions to perform or obtain all or any part 951
of planning services for the new community district; 952

(O) Engage in planning for the new community district, which 953
may be predominantly residential and open space, and prepare or 954
approve a development plan or plans therefor, and engage in land 955
acquisitions and land development in accordance with such plan or 956
plans; 957

(P) Issue new community authority bonds and notes and 958
community authority refunding bonds, payable solely from the 959
income source provided in section 349.08 of the Revised Code, 960

unless the bonds are refunded by refunding bonds, for the purpose 961
of paying any part of the cost as applied to the new community 962
development program or parts thereof; 963

(Q) Enforce any covenants running with the land of which the 964
new community authority is the beneficiary, including but not 965
limited to the collection by any and all appropriate means of any 966
community ~~improvement~~ development charge deemed to be a covenant 967
running with the land and enforceable by the new community 968
authority pursuant to section 349.07 of the Revised Code; and to 969
waive, reduce, or terminate any community development charge of 970
which it is the beneficiary to the extent not needed for any of 971
the purposes provided in section 349.07 of the Revised Code, the 972
procedure for which shall be provided in such covenants, and if 973
new community authority bonds have been issued pledging any such 974
community ~~improvement~~ development charge, to the extent not 975
prohibited in the resolution authorizing the issuance of such new 976
community authority bonds or the trust agreement or indenture of 977
mortgage securing the bonds; 978

(R) Appropriate for its use, under sections 163.01 to 163.22 979
of the Revised Code, any land, easement, rights, rights-of-way, 980
franchises, or other property in the new community district 981
required by the authority for community facilities. The authority 982
may not so appropriate any land, easement, rights, rights-of-way, 983
franchises, or other property that is not included in the new 984
community district. 985

(S) In the case of a new community authority established on 986
or after the effective date of this amendment and before January 987
1, 2012, enter into any agreements as may be necessary, 988
appropriate, or useful to support a new community development 989
program, including, but not limited to, cooperative agreements or 990
other agreements with political subdivisions for services, 991
materials, or products; for the administration, calculation, or 992

collection of community development charges; or for sharing of 993
revenue derived from community development charges, community 994
facilities, or other sources. The agreements may be made with or 995
without consideration as the parties determine. 996

Sec. 349.14. Except as provided in section 349.03 of the 997
Revised Code, or as otherwise provided in a resolution adopted by 998
the organizational board of commissioners, of a new community 999
authority established on or after the effective date of this 1000
amendment and before January 1, 2012, a new community authority 1001
organized under this chapter may be dissolved only on the vote of 1002
a majority of the voters of the new community district at a 1003
special election called by the board of trustees on the question 1004
of dissolution. Such an election may be called only after the 1005
board has determined that the new community development program 1006
has been completed, when no community authority bonds or notes are 1007
outstanding, and other legal indebtedness of the authority has 1008
been discharged or provided for, and only after there has been 1009
filed with the board of trustees a petition requesting such 1010
election, signed by a number of qualified electors residing in the 1011
new community district equal to not less than eight per cent of 1012
the total vote cast for all candidates for governor in the new 1013
community district at the most recent general election at which a 1014
governor was elected. If a majority of the votes cast favor 1015
dissolution, the board of trustees shall, by resolution, declare 1016
the authority dissolved and thereupon the community authority 1017
shall be dissolved. A certified copy of the resolution shall, 1018
within fifteen days after its adoption, be filed with the clerk of 1019
the board of county commissioners of the county in which the 1020
petition for the organization of the new community authority was 1021
filed. 1022

Upon dissolution of a new community authority, the powers 1023
thereof shall cease to exist. Any property of the new community 1024

authority which is located within the corporate limits of a 1025
municipality shall vest in that municipal corporation and all 1026
other property of the community authority shall vest in the county 1027
in which said property is located. Any funds of the community 1028
authority at the time of dissolution shall be transferred to the 1029
municipal corporation and county in which the new community 1030
district is located in the proportion to the assessed valuation of 1031
taxable real property of the new community authority within such 1032
municipal corporation and county as said valuation appears on the 1033
current assessment rolls. 1034

Sec. 1724.02. In furtherance of the purposes set forth in 1035
section 1724.01 of the Revised Code, a community improvement 1036
corporation shall have the following powers: 1037

(A)(1) To borrow money for any of the purposes of the 1038
community improvement corporation by means of loans, lines of 1039
credit, or any other financial instruments or securities, 1040
including the issuance of its bonds, debentures, notes, or other 1041
evidences of indebtedness, whether secured or unsecured, and to 1042
secure the same by mortgage, pledge, deed of trust, or other lien 1043
on its property, franchises, rights, and privileges of every kind 1044
and nature or any part thereof or interest therein; and 1045

(2) If the community improvement corporation is a county land 1046
reutilization corporation, the corporation may request, by 1047
resolution: 1048

(a) That the board of county commissioners of the county 1049
served by the corporation pledge a specifically identified source 1050
or sources of revenue pursuant to division (C) of section 307.78 1051
of the Revised Code as security for such borrowing by the 1052
corporation; and 1053

(b)(i) If the land subject to reutilization is located within 1054
an unincorporated area of the county, that the board of county 1055

commissioners issue notes under section 307.082 of the Revised Code for the purpose of constructing public infrastructure improvements and take other actions as the board determines are in the interest of the county and are authorized under sections 5709.78 to 5709.81 of the Revised Code or bonds or notes under section 5709.81 of the Revised Code for the refunding purposes set forth in that section; or

(ii) If the land subject to reutilization is located within the corporate boundaries of a municipal corporation, that the municipal corporation issue bonds for the purpose of constructing public infrastructure improvements and take such other actions as the municipal corporation determines are in its interest and are authorized under sections 5709.40 to 5709.43 of the Revised Code.

(B) To make loans to any person, firm, partnership, corporation, joint stock company, association, or trust, and to establish and regulate the terms and conditions with respect to any such loans; provided that an economic development corporation shall not approve any application for a loan unless and until the person applying for said loan shows that the person has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution. Nothing in this division shall preclude a county land reutilization corporation from making revolving loans to community development corporations, private entities, or ~~groups~~ any person for the purposes contained in the corporation's plan under section 1724.10 of the Revised Code.

(C) To purchase, receive, hold, manage, lease, lease-purchase, or otherwise acquire and to sell, convey, transfer, lease, sublease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including but not restricted to, any real or personal property

acquired by the community improvement corporation from time to 1088
time in the satisfaction of debts or enforcement of obligations, 1089
and to enter into contracts with third parties, including the 1090
federal government, the state, any political subdivision, or any 1091
other entity. A county land reutilization corporation shall not 1092
acquire an interest in real property if such acquisition causes 1093
the percentage of unoccupied real property held by the corporation 1094
to become less than seventy-five per cent of all real property 1095
held by the corporation for reutilization, reclamation, or 1096
rehabilitation. For the purposes of this division, "unoccupied" 1097
has the same meaning as in section 323.65 of the Revised Code. 1098

(D) To acquire the good will, business, rights, real and 1099
personal property, and other assets, or any part thereof, or 1100
interest therein, of any persons, firms, partnerships, 1101
corporations, joint stock companies, associations, or trusts, and 1102
to assume, undertake, or pay the obligations, debts, and 1103
liabilities of any such person, firm, partnership, corporation, 1104
joint stock company, association, or trust; to acquire, reclaim, 1105
manage, or contract for the management of improved or unimproved 1106
and underutilized real estate for the purpose of constructing 1107
industrial plants, other business establishments, or housing 1108
thereon, or causing the same to occur, for the purpose of 1109
assembling and enhancing utilization of the real estate, or for 1110
the purpose of disposing of such real estate to others in whole or 1111
in part for the construction of industrial plants, other business 1112
establishments, or housing; and to acquire, reclaim, manage, 1113
contract for the management of, construct or reconstruct, alter, 1114
repair, maintain, operate, sell, convey, transfer, lease, 1115
sublease, or otherwise dispose of industrial plants, business 1116
establishments, or housing. 1117

(E) To acquire, subscribe for, own, hold, sell, assign, 1118
transfer, mortgage, pledge, or otherwise dispose of the stock, 1119

shares, bonds, debentures, notes, or other securities and 1120
evidences of interest in, or indebtedness of, any person, firm, 1121
corporation, joint stock company, association, or trust, and while 1122
the owner or holder thereof, to exercise all the rights, powers, 1123
and privileges of ownership, including the right to vote therein, 1124
provided that no tax revenue, if any, received by a community 1125
improvement corporation shall be used for such acquisition or 1126
subscription. 1127

(F) To mortgage, pledge, or otherwise encumber any property 1128
acquired pursuant to the powers contained in divisions (C), (D), 1129
or (E) of this section. 1130

(G) Nothing in this section shall limit the right of a 1131
community improvement corporation to become a member of or a 1132
stockholder in a corporation formed under Chapter 1726. of the 1133
Revised Code. 1134

(H) To serve as an agent for grant applications and for the 1135
administration of grants, or to make applications as principal for 1136
grants for county land reutilization corporations. 1137

(I) To exercise the powers enumerated under Chapter 5722. of 1138
the Revised Code on behalf of a county that organizes or contracts 1139
with a county land reutilization corporation. 1140

(J) To engage in code enforcement and nuisance abatement, 1141
including, but not limited to, cutting grass and weeds, boarding 1142
up vacant or abandoned structures, and demolishing condemned 1143
structures on properties that are subject to a delinquent tax or 1144
assessment lien, or property for which a municipal corporation or 1145
township has contracted with a county land reutilization 1146
corporation to provide code enforcement or nuisance abatement 1147
assistance. 1148

(K) To charge fees or exchange in-kind goods or services for 1149
services rendered to political subdivisions and other persons or 1150

entities for whom services are rendered. 1151

(L) To employ and provide compensation for an executive 1152
director who shall manage the operations of a county land 1153
reutilization corporation and employ others for the benefit of the 1154
corporation as approved and funded by the board of directors. No 1155
employee of the corporation is or shall be deemed to be an 1156
employee of the political subdivision for whose benefit the 1157
corporation is organized solely because the employee is employed 1158
by the corporation; 1159

(M) To purchase tax certificates at auction, negotiated sale, 1160
or from a third party who purchased and is a holder of one or more 1161
tax certificates issued pursuant to sections 5721.30 to 5721.43 of 1162
the Revised Code; 1163

(N) To be assigned a mortgage on real property from a 1164
mortgagee in lieu of acquiring such real property subject to a 1165
mortgage. 1166

(O) To do all acts and things necessary or convenient to 1167
carry out the purposes of section 1724.01 of the Revised Code and 1168
the powers especially created for a community improvement 1169
corporation in Chapter 1724. of the Revised Code, including, but 1170
not limited to, contracting with the federal government, the state 1171
or any political subdivision, and any other party, whether 1172
nonprofit or for-profit. 1173

The powers enumerated in this chapter shall not be construed 1174
to limit the general powers of a community improvement 1175
corporation. The powers granted under this chapter are in addition 1176
to those powers granted by any other chapter of the Revised Code, 1177
but, as to a county land reutilization corporation, shall be used 1178
only for the purposes enumerated under division (B)(2) of section 1179
1724.01 of the Revised Code. 1180

Sec. 1724.03. (A) After the articles of incorporation have 1181
been filed, and at the first meeting of the board of directors of 1182
a county land reutilization corporation, the board shall adopt 1183
regulations for the government of the corporation, the conduct of 1184
its affairs, and the management of its property, consistent with 1185
law and the articles. The content of the regulations shall be 1186
governed by section 1702.11 of the Revised Code to the extent not 1187
inconsistent with this chapter. 1188

(B) The board of directors of a county land reutilization 1189
corporation shall be composed of ~~at least five, seven, or nine~~ 1190
members, including the county treasurer, at least two of the 1191
members of the board of county commissioners, one representative 1192
of the largest municipal corporation, based on the population 1193
according to the most recent federal decennial census, that is 1194
located in the county, one representative of a township with a 1195
population of at least ten thousand in the unincorporated area of 1196
the township according to the most recent federal decennial 1197
census, if such a township exists in the county, and ~~two~~ any 1198
remaining members selected by the treasurer and the county 1199
commissioners who are members of the corporation's board and 1200
~~approved by a majority of the chief executive officers of all~~ 1201
~~municipal corporations the majority of the territory of which is~~ 1202
~~located in the county. The treasurer and county commissioners who~~ 1203
~~are members of the board of directors shall establish the process~~ 1204
~~by which such approval shall be obtained. The failure, refusal, or~~ 1205
~~inability of any chief executive officer to respond in writing to~~ 1206
~~any request for approval of the members selected by the treasurer~~ 1207
~~and county commissioners within fourteen days shall be deemed an~~ 1208
~~approval by the chief executive officer. Any such failure,~~ 1209
~~refusal, or inability to respond shall not prevent the corporation~~ 1210
~~from exercising its powers and authority under this chapter. At~~ 1211
least one board member shall have private sector or nonprofit 1212

experience in rehabilitation or real estate acquisitions. A county 1213
treasurer and the county commissioners each may appoint a 1214
representative, as a director of the corporation, to act for the 1215
officer at any of the meetings of the corporation. Except as may 1216
otherwise be authorized by the regulations of the corporation, all 1217
members of the board of directors shall serve without 1218
compensation, but shall be reimbursed for actual and necessary 1219
expenses. 1220

Sec. 1724.04. A county having a population of more than ~~one~~ 1221
~~million two hundred thousand~~ sixty thousand as of the most recent 1222
decennial census that elects under section 5722.02 of the Revised 1223
Code to adopt and implement the procedures set forth in sections 1224
5722.02 to 5722.15 of the Revised Code may organize a county land 1225
reutilization corporation under this chapter and Chapter 1702. of 1226
the Revised Code for the purpose of exercising the powers granted 1227
to a county under Chapter 5722. of the Revised Code. The county 1228
treasurer of the county for the benefit of which the corporation 1229
is being organized shall be the incorporator of the county land 1230
reutilization corporation. The form of the articles of 1231
incorporation of the corporation shall be approved by resolution 1232
of the board of county commissioners of the county. 1233

When the articles of incorporation of any community 1234
improvement corporation, or any amendment, amended articles, 1235
merger, or consolidation which provides for the creation of such a 1236
corporation, are deposited for filing and recording in the office 1237
of the secretary of state, the secretary of state shall submit 1238
them to the attorney general for examination. If such articles, 1239
amendment, amended articles, merger, or consolidation, are found 1240
by the attorney general to be in accordance with Chapter 1724. of 1241
the Revised Code, and not inconsistent with the constitution and 1242
laws of the United States and of this state, the attorney general 1243
shall endorse thereon the attorney general's approval and deliver 1244

them to the secretary of state, who shall file and record them 1245
pursuant to section 1702.07 of the Revised Code. 1246

Sec. 1724.05. Each community improvement corporation shall 1247
prepare an annual financial report that conforms to rules 1248
prescribed by the auditor of state pursuant to section 117.20 of 1249
the Revised Code, that is prepared according to generally accepted 1250
accounting principles, and that is certified by the board of 1251
directors of the corporation or its treasurer or other chief 1252
fiscal officer to the best knowledge and belief of those persons 1253
certifying the report. The financial report shall be filed with 1254
the auditor of state within one hundred twenty days following the 1255
last day of the corporation's fiscal year, unless the auditor of 1256
state extends that deadline. The auditor of state may establish 1257
terms and conditions for granting any extension of that deadline. 1258
The financial report shall be published on the corporation's web 1259
site, or if the corporation does not have a web site, on the web 1260
site of the county in which the corporation is located. 1261

Each community improvement corporation shall submit to audits 1262
by the auditor of state, the scope and frequency of which shall be 1263
in accordance with section 117.11 of the Revised Code as if the 1264
corporation were a public office subject to that section. However, 1265
a community improvement corporation may request in accordance with 1266
section 115.56 of the Revised Code, as if the corporation were a 1267
public office subject to that section, the performance of any of 1268
those audits by an independent certified public accountant or firm 1269
of certified public accountants. 1270

The auditor of state is authorized to receive and file the 1271
annual financial reports required by this section and the reports 1272
of all audits performed in accordance with this section. The 1273
auditor of state shall analyze those annual financial reports and 1274
the reports of those audits to determine whether the activities of 1275

a community improvement corporation involved are in accordance 1276
with this chapter. 1277

Sec. 5705.19. This section does not apply to school districts 1278
or county school financing districts. 1279

The taxing authority of any subdivision at any time and in 1280
any year, by vote of two-thirds of all the members of the taxing 1281
authority, may declare by resolution and certify the resolution to 1282
the board of elections not less than seventy-five days before the 1283
election upon which it will be voted that the amount of taxes that 1284
may be raised within the ten-mill limitation will be insufficient 1285
to provide for the necessary requirements of the subdivision and 1286
that it is necessary to levy a tax in excess of that limitation 1287
for any of the following purposes: 1288

(A) For current expenses of the subdivision, except that the 1289
total levy for current expenses of a detention facility district 1290
or district organized under section 2151.65 of the Revised Code 1291
shall not exceed two mills and that the total levy for current 1292
expenses of a combined district organized under sections 2151.65 1293
and 2152.41 of the Revised Code shall not exceed four mills; 1294

(B) For the payment of debt charges on certain described 1295
bonds, notes, or certificates of indebtedness of the subdivision 1296
issued subsequent to January 1, 1925; 1297

(C) For the debt charges on all bonds, notes, and 1298
certificates of indebtedness issued and authorized to be issued 1299
prior to January 1, 1925; 1300

(D) For a public library of, or supported by, the subdivision 1301
under whatever law organized or authorized to be supported; 1302

(E) For a municipal university, not to exceed two mills over 1303
the limitation of one mill prescribed in section 3349.13 of the 1304
Revised Code; 1305

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;	1306 1307 1308
(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;	1309 1310 1311
(H) For parks and recreational purposes;	1312
(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;	1313 1314 1315 1316 1317 1318 1319 1320 1321 1322
(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;	1323 1324 1325 1326 1327 1328 1329 1330 1331 1332
(K) For the maintenance and operation of a county home or detention facility;	1333 1334
(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of	1335 1336

the Revised Code, except that the procedure for such levies shall	1337
be as provided in section 5705.222 of the Revised Code;	1338
(M) For regional planning;	1339
(N) For a county's share of the cost of maintaining and	1340
operating schools, district detention facilities, forestry camps,	1341
or other facilities, or any combination thereof, established under	1342
section 2151.65 or 2152.41 of the Revised Code or both of those	1343
sections;	1344
(O) For providing for flood defense, providing and	1345
maintaining a flood wall or pumps, and other purposes to prevent	1346
floods;	1347
(P) For maintaining and operating sewage disposal plants and	1348
facilities;	1349
(Q) For the purpose of purchasing, acquiring, constructing,	1350
enlarging, improving, equipping, repairing, maintaining, or	1351
operating, or any combination of the foregoing, a county transit	1352
system pursuant to sections 306.01 to 306.13 of the Revised Code,	1353
or of making any payment to a board of county commissioners	1354
operating a transit system or a county transit board pursuant to	1355
section 306.06 of the Revised Code;	1356
(R) For the subdivision's share of the cost of acquiring or	1357
constructing any schools, forestry camps, detention facilities, or	1358
other facilities, or any combination thereof, under section	1359
2151.65 or 2152.41 of the Revised Code or both of those sections;	1360
(S) For the prevention, control, and abatement of air	1361
pollution;	1362
(T) For maintaining and operating cemeteries;	1363
(U) For providing ambulance service, emergency medical	1364
service, or both;	1365
(V) For providing for the collection and disposal of garbage	1366

or refuse, including yard waste;	1367
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	1368 1369 1370
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	1371 1372
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	1373 1374 1375
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	1376 1377 1378
(AA) For the maintenance and operation of a free public museum of art, science, or history;	1379 1380
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	1381 1382
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	1383 1384 1385 1386 1387
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	1388 1389 1390
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization	1391 1392 1393 1394 1395 1396

corporation organized under Chapter 1724. of the Revised Code are 1397
found by the board of county commissioners to constitute the 1398
promotion of economic development, for the payment of such 1399
operations and expenses; 1400

(FF) For the purpose of acquiring, establishing, 1401
constructing, improving, equipping, maintaining, or operating, or 1402
any combination of the foregoing, a township airport, landing 1403
field, or other air navigation facility pursuant to section 505.15 1404
of the Revised Code; 1405

(GG) For the payment of costs incurred by a township as a 1406
result of a contract made with a county pursuant to section 1407
505.263 of the Revised Code in order to pay all or any part of the 1408
cost of constructing, maintaining, repairing, or operating a water 1409
supply improvement; 1410

(HH) For a board of township trustees to acquire, other than 1411
by appropriation, an ownership interest in land, water, or 1412
wetlands, or to restore or maintain land, water, or wetlands in 1413
which the board has an ownership interest, not for purposes of 1414
recreation, but for the purposes of protecting and preserving the 1415
natural, scenic, open, or wooded condition of the land, water, or 1416
wetlands against modification or encroachment resulting from 1417
occupation, development, or other use, which may be styled as 1418
protecting or preserving "greenspace" in the resolution, notice of 1419
election, or ballot form. Except as otherwise provided in this 1420
division, land is not acquired for purposes of recreation, even if 1421
the land is used for recreational purposes, so long as no 1422
building, structure, or fixture used for recreational purposes is 1423
permanently attached or affixed to the land. Except as otherwise 1424
provided in this division, land that previously has been acquired 1425
in a township for these greenspace purposes may subsequently be 1426
used for recreational purposes if the board of township trustees 1427
adopts a resolution approving that use and no building, structure, 1428

or fixture used for recreational purposes is permanently attached 1429
or affixed to the land. The authorization to use greenspace land 1430
for recreational use does not apply to land located in a township 1431
that had a population, at the time it passed its first greenspace 1432
levy, of more than thirty-eight thousand within a county that had 1433
a population, at that time, of at least eight hundred sixty 1434
thousand. 1435

(II) For the support by a county of a crime victim assistance 1436
program that is provided and maintained by a county agency or a 1437
private, nonprofit corporation or association under section 307.62 1438
of the Revised Code; 1439

(JJ) For any or all of the purposes set forth in divisions 1440
(I) and (J) of this section. This division applies only to a 1441
township. 1442

(KK) For a countywide public safety communications system 1443
under section 307.63 of the Revised Code. This division applies 1444
only to counties. 1445

(LL) For the support by a county of criminal justice services 1446
under section 307.45 of the Revised Code; 1447

(MM) For the purpose of maintaining and operating a jail or 1448
other detention facility as defined in section 2921.01 of the 1449
Revised Code; 1450

(NN) For purchasing, maintaining, or improving, or any 1451
combination of the foregoing, real estate on which to hold 1452
agricultural fairs. This division applies only to a county. 1453

(OO) For constructing, rehabilitating, repairing, or 1454
maintaining sidewalks, walkways, trails, bicycle pathways, or 1455
similar improvements, or acquiring ownership interests in land 1456
necessary for the foregoing improvements; 1457

(PP) For both of the purposes set forth in divisions (G) and 1458

(OO) of this section.	1459
(QQ) For both of the purposes set forth in divisions (H) and	1460
(HH) of this section. This division applies only to a township.	1461
(RR) For the legislative authority of a municipal	1462
corporation, board of county commissioners of a county, or board	1463
of township trustees of a township to acquire agricultural	1464
easements, as defined in section 5301.67 of the Revised Code, and	1465
to supervise and enforce the easements.	1466
(SS) For both of the purposes set forth in divisions (BB) and	1467
(KK) of this section. This division applies only to a county.	1468
(TT) For the maintenance and operation of a facility that is	1469
organized in whole or in part to promote the sciences and natural	1470
history under section 307.761 of the Revised Code.	1471
(UU) For the creation and operation of a county land	1472
reutilization corporation and for any programs or activities of	1473
the corporation found by the board of directors of the corporation	1474
to be consistent with the purposes for which the corporation is	1475
organized;	1476
<u>(VV) For construction and maintenance of improvements and</u>	1477
<u>expenses of soil and water conservation district programs under</u>	1478
<u>Chapter 1515. of the Revised Code;</u>	1479
<u>(WW) For the Ohio cooperative extension service fund created</u>	1480
<u>under section 3335.35 of the Revised Code for the purposes</u>	1481
<u>prescribed under section 3335.36 of the Revised Code for the</u>	1482
<u>benefit of the citizens of a county. This division applies only to</u>	1483
<u>a county.</u>	1484
The resolution shall be confined to the purpose or purposes	1485
described in one division of this section, to which the revenue	1486
derived therefrom shall be applied. The existence in any other	1487
division of this section of authority to levy a tax for any part	1488

or all of the same purpose or purposes does not preclude the use 1489
of such revenues for any part of the purpose or purposes of the 1490
division under which the resolution is adopted. 1491

The resolution shall specify the amount of the increase in 1492
rate that it is necessary to levy, the purpose of that increase in 1493
rate, and the number of years during which the increase in rate 1494
shall be in effect, which may or may not include a levy upon the 1495
duplicate of the current year. The number of years may be any 1496
number not exceeding five, except as follows: 1497

(1) When the additional rate is for the payment of debt 1498
charges, the increased rate shall be for the life of the 1499
indebtedness. 1500

(2) When the additional rate is for any of the following, the 1501
increased rate shall be for a continuing period of time: 1502

(a) For the current expenses for a detention facility 1503
district, a district organized under section 2151.65 of the 1504
Revised Code, or a combined district organized under sections 1505
2151.65 and 2152.41 of the Revised Code; 1506

(b) For providing a county's share of the cost of maintaining 1507
and operating schools, district detention facilities, forestry 1508
camps, or other facilities, or any combination thereof, 1509
established under section 2151.65 or 2152.41 of the Revised Code 1510
or under both of those sections. 1511

(3) When the additional rate is for either of the following, 1512
the increased rate may be for a continuing period of time: 1513

(a) For the purposes set forth in division (I), (J), (U), or 1514
(KK) of this section; 1515

(b) For the maintenance and operation of a joint recreation 1516
district. 1517

(4) When the increase is for the purpose or purposes set 1518

forth in division (D), (G), (H), (CC), or (PP) of this section, 1519
the tax levy may be for any specified number of years or for a 1520
continuing period of time, as set forth in the resolution. 1521

(5) When the additional rate is for the purpose described in 1522
division (Z) of this section, the increased rate shall be for any 1523
number of years not exceeding ten. 1524

A levy for one of the purposes set forth in division (G), 1525
(I), (J), or (U) of this section may be reduced pursuant to 1526
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 1527
the purposes set forth in division (G), (I), (J), or (U) of this 1528
section may also be terminated or permanently reduced by the 1529
taxing authority if it adopts a resolution stating that the 1530
continuance of the levy is unnecessary and the levy shall be 1531
terminated or that the millage is excessive and the levy shall be 1532
decreased by a designated amount. 1533

A resolution of a detention facility district, a district 1534
organized under section 2151.65 of the Revised Code, or a combined 1535
district organized under both sections 2151.65 and 2152.41 of the 1536
Revised Code may include both current expenses and other purposes, 1537
provided that the resolution shall apportion the annual rate of 1538
levy between the current expenses and the other purpose or 1539
purposes. The apportionment need not be the same for each year of 1540
the levy, but the respective portions of the rate actually levied 1541
each year for the current expenses and the other purpose or 1542
purposes shall be limited by the apportionment. 1543

Whenever a board of county commissioners, acting either as 1544
the taxing authority of its county or as the taxing authority of a 1545
sewer district or subdistrict created under Chapter 6117. of the 1546
Revised Code, by resolution declares it necessary to levy a tax in 1547
excess of the ten-mill limitation for the purpose of constructing, 1548
improving, or extending sewage disposal plants or sewage systems, 1549
the tax may be in effect for any number of years not exceeding 1550

twenty, and the proceeds of the tax, notwithstanding the general 1551
provisions of this section, may be used to pay debt charges on any 1552
obligations issued and outstanding on behalf of the subdivision 1553
for the purposes enumerated in this paragraph, provided that any 1554
such obligations have been specifically described in the 1555
resolution. 1556

The resolution shall go into immediate effect upon its 1557
passage, and no publication of the resolution is necessary other 1558
than that provided for in the notice of election. 1559

When the electors of a subdivision have approved a tax levy 1560
under this section, the taxing authority of the subdivision may 1561
anticipate a fraction of the proceeds of the levy and issue 1562
anticipation notes in accordance with section 5705.191 or 5705.193 1563
of the Revised Code. 1564

Sec. 5722.22. A county land reutilization corporation ~~shall~~ 1565
is not be liable for damages arising from a, or subject to 1566
equitable remedies, for breach of a common law duty, or for 1567
violation of sections 3737.87 to 3737.891 of the Revised Code or 1568
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6101., or 1569
6111. of the Revised Code or any rule adopted or order, permit, 1570
license, variance, or plan approval issued under any of those 1571
chapters ~~that is or was committed by another person~~ in connection 1572
with a parcel of land acquired by the county land reutilization 1573
corporation. 1574

Section 2. That existing sections 1.62, 135.35, 323.78, 1575
349.01, 349.03, 349.04, 349.06, 349.14, 1724.02, 1724.03, 1724.04, 1576
1724.05, 5705.19, and 5722.22 of the Revised Code are hereby 1577
repealed. 1578

Section 3. (A) The Governor is hereby authorized to execute a 1579
Governor's Deed in the name of the State conveying to Amamata, LLC 1580

(the "Grantee"), and its successors and assigns, all of the 1581
state's right, title, and interest in the following described real 1582
estate: 1583

Situated in Section 26, Township 2, Range 7 of the Miami 1584
River Survey, the City of Dayton, the County of Montgomery, the 1585
State of Ohio, being a 9.6252 acre portion of a 33.5 acre tract as 1586
conveyed to the State of Ohio as recorded in Deed Book 169, Page 1587
585, and being a 14.1731 acre portion of a 21.25 acre tract as 1588
conveyed to the State of Ohio as recorded in Deed Book 169, Page 1589
583, being a 1.1817 acres portion of a 24.36 acre tract of land 1590
conveyed to the Trustees of the Southern Ohio Lunatic Asylum as 1591
recorded in Deed Book N-3, Page 233, being a 0.7258 acre portion 1592
of a 10.544 acre tract as conveyed to the State of Ohio as 1593
recorded in Deed Book 138, Page 125, being all of a parcel as 1594
conveyed to the State of Ohio Department of Public Works for the 1595
Use Of The Department of Public Welfare Dayton State Hospital as 1596
recorded in Deed Book 1326, Page 247, being a part of a 8.500 acre 1597
tract as conveyed to Board of County Commissioners of Montgomery 1598
County of Dayton Ohio, as record in Microfiche 74-217C08, being 1599
all of a 0.77 acre tract as conveyed to the State of Ohio 1600
Department of Mental Health as recorded in Microfiche 01-703A01, 1601
being all of a 4.67 acre tract as conveyed to the State of Ohio as 1602
recorded in Deed Book 1603, Page 323, and being a portion of City 1603
of Dayton Lot Number 61376, 61381, 61378, of the revised and 1604
consecutive numbers of lots on the plat of the City of Dayton and 1605
more particularly bounded and described as follows: 1606

Commencing at a capped 5/8" Iron Pin found stamped "Woolpert" 1607
at the Southeast corner of a 2.881 acre tract being Parcel 2 of 1608
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3-3A; 1609

Thence with the east line of a 8.338 acre parcel as conveyed 1610
to Barry K. Humphreys as recorded in Microfiche 01-0590A04, and 1611

the west line of a 24.36 acre tract of land conveyed to the Trustees of the Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233, South 0°32'15" West a distance of 108.09 feet to a capped 5/8" Iron Pin found stamped "LJB".

Thence with the east line of the said 8.338 acre tract, and the north line of a 2.36 acre tract as conveyed to the State of Ohio as record in Deed Book U-2, Page 40, South 49°49'38" West, 275.99 feet to a 5/8" Iron Pin set.

Thence with the east line of the said 8.338 acre tract, and the west line of the said 2.36 acre tract, the east line of a 11.579 acre tract as conveyed to Hospice of Dayton as recorded in Microfiche 94-0448C08, the west line of a 10.544 acre parcel as conveyed to the State of Ohio as record in Deed Book 138, Page 125, South 3°24'08" East, 956.68 feet to a 5/8" Iron Pin set and being the True Point of Beginning for the herein described 39.524 Acre tract.

Thence with the south line of the said 1.544 acre tract South 88°52'07" East a distance of 808.89 feet to a 5/8" Iron Pin set.

Thence across said 10.544 acre tract and across said 24.07 acre tract North 1°07'00" East a distance of 1013.05 feet to a 5/8" Iron Pin set.

Thence across said 24.07 acre tract and with the north line of a 21.25 acre tract as conveyed to the State of Ohio as recorded in Deed Book 169, Page 583, South 89°15'53" East a distance of 507.35 feet to a 5/8" Iron Pin set at the northeast corner of the said 21.25 acre tract.

Thence with the west line of a 33.5 acre parcel as conveyed to the State of Ohio as recorded in Deed Book 169, Page 585, South 1°07'55" West a distance of 141.74 feet to a 5/8" Iron Pin set.

Thence across said 33.5 acre tract South 89°11'12" East a distance of 468.08 feet to a 5/8" Iron Pin set

Thence across said 33.5 acre tract South 0°48'28" West a 1643
distance of 253.08 feet to a 5/8" Iron Pin set. 1644

Thence with the north line of a 4.67 acre parcel as conveyed 1645
to The Board of Education of The Dayton City School District as 1646
recorded in Deed Book 1605, Page 39, North 89°24'38" West a 1647
distance of 192.40 feet to a 5/8" Iron Pin set. 1648

Thence with the west line of the said 4.67 acre parcel South 1649
0°48'28" West, a distance of 1351.49 feet to the north east corner 1650
of a parcel conveyed to The City of Dayton by deed of record in 1651
Deed Book 1071, Page 529, to a point. 1652

Thence with the north line of the said City of Dayton parcel 1653
North 87°57'48" West a distance of 709.72 feet to the northwest 1654
corner of said tract. 1655

Thence with the west line of the said City of Dayton parcel 1656
South 1°07'00" West a distance of 131.13 feet to the northeast 1657
corner of Henry Manning Plat Section Two Subdivision, and the 1658
south east corner of a 8.500 acre parcel as conveyed to Board of 1659
County Commissioners of Montgomery County of Dayton Ohio as 1660
recorded in Microfiche 74-217C08. 1661

Thence with the northerly line of the said subdivision, and 1662
the southerly line of the said 8.500 acre parcel North 89°20'46" 1663
West a distance of 498.09 feet to a point. 1664

Thence across the south line of the said 8.500 acre parcel 1665
North 0°38'54" West a distance of 30.30 feet to a ¾" Pipe found. 1666

Thence across the south line of the said 8.500 acre parcel 1667
South 89°12'17" East a distance of 205.07 feet to a point. 1668

Thence across the south line of the said 8.500 acre parcel 1669
North 77°59'30" East a distance of 220.73 feet to a point. 1670

Thence across the south line of the said 8.500 acre parcel 1671
North 0°57'00" East a distance of 417.54 Feet to a point on the 1672

north line of the said 8.500 acre parcel. 1673

Thence with the north line of the said 8.500 acre parcel 1674
North 89°05'05" West a distance of 881.17 feet to the northwest 1675
corner of the said 8.500 acre parcel. 1676

Thence with the west line of the said 8.500 acre parcel the 1677
east line of a 0.77 acre parcel as conveyed to the State of Ohio 1678
Department of Mental Health as recorded in Microfiche 01-703A01, 1679
South 1°00'10" West a distance of 108.00 feet to a point. 1680

Thence with the south line of the said 0.77 acre parcel and 1681
with a curve to the left bearing South 78°35'40" West a chord 1682
distance of 133.98 feet, a radius of 310.58 feet , and an arc 1683
length of 133.98 feet, to a point on the right-of-way of Irving 1684
Avenue. 1685

Thence along Irving Avenue North 40°57'51" West a distance of 1686
80.29 feet to a point. 1687

Thence along Irving Avenue with a curve to the left bearing 1688
North 1°34'43" East a chord distance of 105.02 feet, a radius of 1689
185.36 feet, and a arc length of 106.48 feet to a point. 1690

Thence along the south line of a 11.579 acre parcel as 1691
conveyed to Hospice of Dayton as recorded in Microfiche 1692
94-0448C08, North 75°56'29" East a distance of 80.44 feet to a 1693
5/8" capped Iron Pin found stamped "LJB". 1694

Thence along the south line of a 11.579 acre parcel as 1695
conveyed to Hospice of Dayton as recorded in Microfiche 1696
94-0448C08, North 2°07'59" East a distance of 53.05 feet to a 5/8" 1697
capped Iron Pin found stamped "LJB". 1698

Thence along the south line of a 11.579 acre parcel as 1699
conveyed to Hospice of Dayton as recorded in Microfiche 1700
94-0448C08, North 87°45'10" East a distance of 176.85 feet to a 1701
point. 1702

Thence along the east line of the said 11.579 acre parcel 1703
North 3°24'08" West a distance of 282.14 feet to the True Point of 1704
Beginning, containing 39.5238 acres more or less. Subject to all 1705
easements, agreements and right of ways of record. 1706

The basis of bearings for this description is the easterly 1707
line of Parcel 2, South 0°32'15" West, as recorded in the 1708
Wilmington Woods Plat as recorded in Plat Book 134, page 3A. 1709

All iron pins set in the above boundary description are 5/8" 1710
(O.D.) 30" long with a plastic cap stamped "LJB". 1711

The above description was prepared by the State of Ohio 1712
Department of Administrative Services, General Services Division, 1713
Department of Real Estate and Planning and based on a survey made 1714
by LJB Inc., project number SV22969. 1715

This description may be modified to a final form if 1716
modifications are needed. 1717

(B) Consideration for the conveyance of the real estate 1718
described in division (A) of this section shall be One Million 1719
Seven Hundred Thousand and 00/100 Dollars (\$1,700,000.00). 1720

(C) The real estate described in division (A) of this section 1721
shall be sold as an entire tract and not in parcels. 1722

(D) Upon payment of the purchase price, the Auditor of State, 1723
with the assistance of the Attorney General, shall prepare a deed 1724
to the real estate described in division (A) of this section. The 1725
deed shall state the consideration and shall be executed by the 1726
Governor in the name of the state, countersigned by the Secretary 1727
of State, sealed with the Great Seal of the State, presented in 1728
the Office of the Auditor of State for recording, and delivered to 1729
the Grantee. The Grantee shall present the deed for recording in 1730
the Office of the Montgomery County Recorder. 1731

(E) The Grantee shall pay all costs associated with the 1732

purchase and conveyance of the real estate described in division 1733
(A) of this section, including recordation costs of the deed. 1734

(F) The proceeds of the conveyance of the real estate 1735
described in division (A) of this section shall be deposited into 1736
the Department of Mental Health Trust Fund created by section 1737
5119.18 of the Revised Code except to the extent that any of the 1738
proceeds are determined to be necessary to retire any bond issued 1739
by the State of Ohio for the facilities located on the real estate 1740
described in division (A) of this section, in which case such 1741
amounts determined necessary to retire such bonds shall be 1742
deposited into the state treasury to the credit of the Mental 1743
Health Facilities Improvement Fund (Fund 033), created by division 1744
(F) of section 154.20 of the Revised Code, to retire such bonds, 1745
and any of the proceeds remaining after payment of all interest, 1746
principal, and charges for the issuance and retirement of the 1747
bonds shall be credited to the Department of Mental Health Trust 1748
Fund. 1749

(G) This section shall expire two years after its effective 1750
date. 1751