

**As Introduced**

**129th General Assembly  
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**H. B. No. 370**

**Representative Combs**

**Cosponsors: Representatives Conditt, Derickson, Duffey**

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**A B I L L**

To amend sections 349.01, 349.03, 349.04, 349.06, and 1  
349.14 of the Revised Code to make changes to the 2  
New Community Authority Law. 3

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

**Section 1.** That sections 349.01, 349.03, 349.04, 349.06, and 4  
349.14 of the Revised Code be amended to read as follows: 5

**Sec. 349.01.** As used in this chapter: 6

(A) "New community" means a community or an addition to an 7  
existing community planned pursuant to this chapter so that it 8  
includes facilities for the conduct of industrial, commercial, 9  
residential, cultural, educational, and recreational activities, 10  
and designed in accordance with planning concepts for the 11  
placement of utility, open space, and other supportive facilities. 12

~~In the case of a new community authority established on or 13  
after the effective date of this amendment and before January 1, 14  
2012, "new community" may mean a community or development of 15  
property planned under this chapter in relation to an existing 16  
community so that the community includes facilities for the 17  
conduct of community activities, and is designed in accordance 18  
with planning concepts for the placement of utility, open space, 19~~

and other supportive facilities for the community. 20

(B) "New community development program" means a program for 21  
the development of a new community characterized by well-balanced 22  
and diversified land use patterns and which includes land 23  
acquisition and land development, the acquisition, construction, 24  
operation, and maintenance of community facilities, and the 25  
provision of services authorized in this chapter. 26

~~In the case of a new community authority established on or 27  
after the effective date of this amendment and before January 1, 28  
2012, a~~ A new community development program may take into account 29  
any existing community in relation to which a new community is 30  
developed for purposes of being characterized by well-balanced and 31  
diversified land use patterns. 32

(C) "New community district" means the area of land described 33  
by the developer in the petition as set forth in division (A) of 34  
section 349.03 of the Revised Code for development as a new 35  
community and any lands added to the district by amendment of the 36  
resolution establishing the community authority. 37

(D) "New community authority" means a body corporate and 38  
politic in this state, established pursuant to section 349.03 of 39  
the Revised Code and governed by a board of trustees as provided 40  
in section 349.04 of the Revised Code. 41

(E) "Developer" means any person, organized for carrying out 42  
a new community development program who owns or controls, through 43  
leases of at least seventy-five years' duration, options, or 44  
contracts to purchase, the land within a new community district, 45  
or any municipal corporation, county, or port authority that owns 46  
the land within a new community district, or has the ability to 47  
acquire such land, either by voluntary acquisition or condemnation 48  
in order to eliminate slum, blighted, and deteriorated or 49  
deteriorating areas and to prevent the recurrence thereof. In the 50

case of a new community authority established on or after ~~the~~ 51  
~~effective date of this amendment~~ July 7, 2010, and before January 52  
1, 2012, "developer" may mean a person, municipal corporation, 53  
county, or port authority that controls land within a new 54  
community district through leases of at least forty years' 55  
duration. 56

(F) "Organizational board of commissioners" means, if the new 57  
community district is located in only one county, the board of 58  
county commissioners of such county; if located in more than one 59  
county, a board consisting of the members of the board of county 60  
commissioners of each of the counties in which the district is 61  
located, provided that action of such board shall require a 62  
majority vote of the members of each separate board of county 63  
commissioners; or, if more than half of the new community district 64  
is located within the boundaries of the most populous municipal 65  
corporation of a county, the legislative authority of the 66  
municipal corporation. 67

(G) "Land acquisition" means the acquisition of real property 68  
and interests in real property as part of a new community 69  
development program. 70

(H) "Land development" means the process of clearing and 71  
grading land, making, installing, or constructing water 72  
distribution systems, sewers, sewage collection systems, steam, 73  
gas, and electric lines, roads, streets, curbs, gutters, 74  
sidewalks, storm drainage facilities, and other installations or 75  
work, whether within or without the new community district, and 76  
the construction of community facilities. 77

(I)~~(1)~~ "Community facilities" means all real property, 78  
buildings, structures, or other facilities, including related 79  
fixtures, equipment, and furnishings, to be owned, operated, 80  
financed, constructed, and maintained under this chapter, 81  
including public, community, village, neighborhood, or town 82

buildings, centers and plazas, auditoriums, day care centers, 83  
recreation halls, educational facilities, hospital facilities as 84  
defined in section 140.01 of the Revised Code, recreational 85  
facilities, natural resource facilities, including parks and other 86  
open space land, lakes and streams, cultural facilities, community 87  
streets, including off-street parking facilities, pathway and 88  
bikeway systems, pedestrian underpasses and overpasses, lighting 89  
facilities, design amenities, or other community facilities, and 90  
buildings needed in connection with water supply or sewage 91  
disposal installations or steam, gas, or electric lines or 92  
installation- 93

~~(2) In the case of a new community authority established on 94  
or after the effective date of this amendment and before January 95  
1, 2012, "community facilities" may mean, in addition to the 96  
facilities authorized in division (I)(1) of this section, any 97  
other community facilities that are owned, operated, financed, 98  
constructed, or maintained for, relating to, or in furtherance of 99  
community activities, including, but not limited to, town 100  
buildings or other facilities, and health care facilities 101  
including, but limited to, hospital facilities, ~~and off-street 102  
parking facilities.~~ 103~~

(J) "Cost" as applied to a new community development program 104  
means all costs related to land acquisition and land development, 105  
the acquisition, construction, maintenance, and operation of 106  
community facilities and offices of the community authority, and 107  
of providing furnishings and equipment therefor, financing charges 108  
including interest prior to and during construction and for the 109  
duration of the new community development program, planning 110  
expenses, engineering expenses, administrative expenses including 111  
working capital, and all other expenses necessary and incident to 112  
the carrying forward of the new community development program. 113

(K) "Income source" means any and all sources of income to 114

the community authority, including community development charges 115  
of which the new community authority is the beneficiary as 116  
provided in section 349.07 of the Revised Code, rentals, user fees 117  
and other charges received by the new community authority, any 118  
gift or grant received, any moneys received from any funds 119  
invested by or on behalf of the new community authority, and 120  
proceeds from the sale or lease of land and community facilities. 121

(L) "Community development charge" means: 122

(1) A dollar amount ~~which~~ that shall be determined on the 123  
basis of the assessed valuation of real property or interests in 124  
real property in a new community district sold, leased, or 125  
otherwise conveyed by the developer or the new community 126  
authority, the income of the residents of such property subject to 127  
such charge under section 349.07 of the Revised Code, if such 128  
property is devoted to residential uses or to the profits of any 129  
business, a uniform fee on each parcel of such real property 130  
originally sold, leased, or otherwise conveyed by the developer or 131  
new community authority, or any combination of the foregoing 132  
bases. 133

~~(2) For a new community authority that is established on or 134  
after the effective date of this amendment and before January 1, 135  
2012, "community development charge" includes, in addition to the 136  
charges authorized in division (L)(1) of this section, a A charge 137  
determined on the basis of all or a part of the income of the 138  
residents of real property within the new community district if 139  
such property is devoted to residential uses, or all or a part of 140  
the profits, gross receipts, or other revenues of any business 141  
operating in the new community district. 142~~

(M) "Proximate city" means, as of the date of filing of the 143  
petition under section 349.03 of the Revised Code, any municipal 144  
corporation in which any portion of the proposed new community 145  
district is located, or if more than one-half of the proposed new 146

community district is contained within a joint economic 147  
development district under sections 715.70 to 715.83 of the 148  
Revised Code, "proximate city" means the township containing the 149  
greatest portion of such district. Otherwise, "proximate city" 150  
means any city that, as of the date of filing of the petition 151  
under section 349.03 of the Revised Code, is the city with the 152  
greatest population located in the county in which the proposed 153  
new community district is located, is the city with the greatest 154  
population located in an adjoining county if any portion of such 155  
city is within five miles of any part of the boundaries of such 156  
district, or exercises extraterritorial subdivision authority 157  
under section 711.09 of the Revised Code with respect to any part 158  
of such district. 159

(N) "Community activities" means cultural, educational, 160  
governmental, recreational, residential, industrial, commercial, 161  
distribution and research activities, or any combination thereof 162  
that includes residential activities. 163

**Sec. 349.03.** (A) Proceedings for the organization of a new 164  
community authority shall be initiated by a petition filed by the 165  
developer in the office of the clerk of the board of county 166  
commissioners of one of the counties in which all or part of the 167  
proposed new community district is located. Such petition shall be 168  
signed by the developer and may be signed by each proximate city. 169  
The legislative authorities of each such proximate city shall act 170  
in behalf of such city. Such petition shall contain: 171

(1) The name of the proposed new community authority; 172

(2) The address where the principal office of the authority 173  
will be located or the manner in which the location will be 174  
selected; 175

(3) A map and a full and accurate description of the 176  
boundaries of the new community district together with a 177

description of the properties within such boundaries, if any, 178  
which will not be included in the new community district. Unless 179  
more than one-half of the proposed new community district is or 180  
was contained within a joint economic development district under 181  
sections 715.70 to 715.83 of the Revised Code or the district is 182  
wholly contained within municipalities, the total acreage included 183  
in such district shall not be less than one thousand acres, all of 184  
which acreage shall be owned by, or under the control through 185  
leases of at least seventy-five years' duration, options, or 186  
contracts to purchase, of the developer, if the developer is a 187  
private entity. Such acreage shall be developable as one 188  
functionally interrelated community. In the case of a new 189  
community authority established on or after ~~the effective date of~~ 190  
~~this amendment~~ July 7, 2010, and before January 1, 2012, such 191  
leases may be of not less than forty years' duration, and the 192  
acreage may be developable so that the community is one 193  
functionally interrelated community. 194

(4) A statement setting forth the zoning regulations proposed 195  
for zoning the area within the boundaries of the new community 196  
district for comprehensive development as a new community, and if 197  
the area has been zoned for such development, a certified copy of 198  
the applicable zoning regulations therefor; 199

(5) A current plan indicating the proposed development 200  
program for the new community district, the land acquisition and 201  
land development activities, community facilities, services 202  
proposed to be undertaken by the new community authority under 203  
such program, the proposed method of financing such activities and 204  
services, including a description of the bases, timing, and manner 205  
of collecting any proposed community development charges, and the 206  
projected total residential population of, and employment within, 207  
the new community; 208

(6) A suggested number of members, consistent with section 209

349.04 of the Revised Code, for the board of trustees;	210
(7) A preliminary economic feasibility analysis, including	211
the area development pattern and demand, location and proposed new	212
community district size, present and future socio-economic	213
conditions, public services provision, financial plan, and the	214
developer's management capability;	215
(8) A statement that the development will comply with all	216
applicable environmental laws and regulations.	217
Upon the filing of such petition, the organizational board of	218
commissioners shall determine whether such petition complies with	219
the requirements of this section as to form and substance. The	220
board in subsequent proceedings may at any time permit the	221
petition to be amended in form and substance to conform to the	222
facts by correcting any errors in the description of the proposed	223
new community district or in any other particular.	224
Upon the determination of the organizational board of	225
commissioners that a sufficient petition has been filed in	226
accordance with this section, the board shall fix the time and	227
place of a hearing on the petition for the establishment of the	228
proposed new community authority. Such hearing shall be held not	229
less than ninety-five nor more than one hundred fifteen days after	230
the petition filing date, except that if the petition has been	231
signed by all proximate cities, such hearing shall be held not	232
less than thirty nor more than forty-five days after the petition	233
filing date. The clerk of the board of county commissioners with	234
which the petition was filed shall give notice thereof by	235
publication once each week for three consecutive weeks, or as	236
provided in section 7.16 of the Revised Code, in a newspaper of	237
general circulation in any county of which a portion is within the	238
proposed new community district. Such clerk shall also give	239
written notice of the date, time, and place of the hearing and	240
furnish a certified copy of the petition to the clerk of the	241



legislative authority of each proximate city which has not signed 242  
such petition. In the event that the legislative authority of a 243  
proximate city which did not sign the petition does not approve by 244  
ordinance, resolution, or motion the establishment of the proposed 245  
new community authority and does not deliver such ordinance, 246  
resolution, or motion to the clerk of the board of county 247  
commissioners with which the petition was filed within ninety days 248  
following the date of the first publication of the notice of the 249  
public hearing, the organizational board of commissioners shall 250  
cancel such public hearing and terminate the proceedings for the 251  
establishment of the new community authority. 252

Upon the hearing, if the organizational board of 253  
commissioners determines by resolution that the proposed new 254  
community district will be conducive to the public health, safety, 255  
convenience, and welfare, and is intended to result in the 256  
development of a new community, the board shall by its resolution, 257  
entered of record in its journal and the journal of the board of 258  
county commissioners with which the petition was filed, declare 259  
the new community authority to be organized and a body politic and 260  
corporate with the corporate name designated in the resolution, 261  
and define the boundary of the new community district. In 262  
addition, the resolution shall provide the method of selecting the 263  
board of trustees of the new community authority and fix the 264  
surety for their bonds in accordance with section 349.04 of the 265  
Revised Code. 266

If the organizational board of commissioners finds that the 267  
establishment of the district will not be conducive to the public 268  
health, safety, convenience, or welfare, or is not intended to 269  
result in the development of a new community, it shall reject the 270  
petition thereby terminating the proceedings for the establishment 271  
of the new community authority. 272

(B) At any time after the creation of a new community 273

authority, the developer may file an application with the clerk of 274  
the board of county commissioners of the county in which the 275  
original petition was filed, setting forth a general description 276  
of territory it desires to add or to delete from such district, 277  
that such change will be conducive to the public health, safety, 278  
convenience, and welfare, and will be consistent with the 279  
development of a new community and will not jeopardize the plan of 280  
the new community. If the developer is not a municipal 281  
corporation, port authority, or county, all of such an addition to 282  
such a district shall be owned by, or under the control through 283  
leases of at least seventy-five years' duration, options, or 284  
contracts to purchase, of the developer. In the case of a new 285  
community authority established on or after ~~the effective date of~~ 286  
~~this amendment~~ July 7, 2010, and before January 1, 2012, such 287  
leases may be of not less than forty years' duration. Upon the 288  
filing of the application, the organizational board of 289  
commissioners shall follow the same procedure as required by this 290  
section in relation to the petition for the establishment of the 291  
proposed new community. 292

(C) If all or any part of the new community district is 293  
annexed to one or more existing municipal corporations, their 294  
legislative authorities may appoint persons to replace any 295  
appointed citizen member of the board of trustees. The number of 296  
such trustees to be replaced by the municipal corporation shall be 297  
the number, rounded to the lowest integer, bearing the 298  
proportionate relationship to the number of existing appointed 299  
citizen members as the acreage of the new community district 300  
within such municipal corporation bears to the total acreage of 301  
the new community district. If any such municipal corporation 302  
chooses to replace an appointed citizen member, it shall do so by 303  
ordinance, the term of the trustee being replaced shall terminate 304  
thirty days from the date of passage of such ordinance, and the 305  
trustee to be replaced shall be determined by lot. Each newly 306

appointed member shall assume the term of the member's 307  
predecessor. 308

**Sec. 349.04.** The following method of selecting a board of 309  
trustees is deemed to be a compelling state interest. Within ten 310  
days after the new community authority has been established, as 311  
provided in section 349.03 of the Revised Code, an initial board 312  
of trustees shall be appointed as follows: the organizational 313  
board of commissioners shall appoint by resolution at least three, 314  
but not more than six, citizen members of the board of trustees to 315  
represent the interests of present and future residents and 316  
employers of the new community district and one member to serve as 317  
a representative of local government, and the developer shall 318  
appoint a number of members equal to the number of citizen members 319  
to serve as representatives of the developer. ~~In the case of a new~~ 320  
~~community authority established on or after the effective date of~~ 321  
~~this amendment and before January 1, 2012, the citizen members may~~ 322  
~~represent present and future employers within the new community~~ 323  
~~district and any present or future residents of the district.~~ 324

Members shall serve two-year overlapping terms, with two of 325  
each of the initial citizen and developer members appointed to 326  
serve initial one year terms. The organizational board of 327  
commissioners shall adopt, by further resolution adopted within 328  
one year of such resolution establishing such initial board of 329  
trustees ~~adopt~~, a method for selection of successor members 330  
thereof which determines the projected total population of the 331  
projected new community and meets the following criteria: 332

(A) The appointed citizen members shall be replaced by 333  
elected citizen members according to a schedule established by the 334  
organizational board of commissioners calculated to achieve one 335  
such replacement each time the new community district gains a 336  
proportion, having a numerator of one and a denominator of twice 337

the number of citizen members, of its projected total population 338  
until such time as all of the appointed citizen members are 339  
replaced. 340

(B) Representatives of the developer shall be replaced by 341  
elected citizen members according to a schedule established by the 342  
organizational board of commissioners calculated to achieve one 343  
such replacement each time the new community district gains a 344  
proportion, having a numerator of one and a denominator equal to 345  
the number of developer members, of its projected total population 346  
until such time as all of the developer's representatives are 347  
replaced. 348

(C) The representative of local government shall be replaced 349  
by an elected citizen member at the time the new community 350  
district gains three-quarters of its projected total population. 351

Elected citizen members of the board of trustees shall be 352  
elected by a majority of the residents of the new community 353  
district voting at elections held on the first Tuesday after the 354  
first Monday in December of each year. Each citizen member except 355  
an appointed citizen member shall be a qualified elector who 356  
resides within the new community district. ~~In the case of a new~~ 357  
~~community authority established on or after the effective date of~~ 358  
~~this amendment and before January 1, 2012, The petition or the~~ 359  
organizational board of ~~directors~~ commissioners, by resolution, 360  
may adopt an alternative method of selection or election of 361  
successor members of the board of trustees. If the alternative 362  
method provides for the election of citizen members, the elections 363  
may be held at the times and in the manner provided in a the 364  
petition or resolution of the organizational board of 365  
commissioners, and ~~the~~ any elected citizen members shall be 366  
qualified electors who ~~resides~~ reside in the new community 367  
district. 368

Citizen members shall not be employees of or have financial 369

interest in the developer. If a vacancy occurs in the office of a 370  
member other than a member appointed by the developer, the 371  
organizational board of commissioners may appoint a successor 372  
member for the remainder of the unexpired term. Any appointed 373  
member of the board of trustees may at any time be removed by the 374  
organizational board of commissioners for misfeasance, 375  
nonfeasance, or malfeasance in office. Members appointed by the 376  
developer may also at any time be removed by the developer without 377  
a showing of cause. 378

Each member of the board of trustees, before entering upon 379  
official duties, shall take and subscribe to an oath before an 380  
officer authorized to administer oaths in Ohio that the member 381  
will honestly and faithfully perform the duties of the member's 382  
office. Such oath shall be filed in the office of the clerk of the 383  
board of county commissioners in which the petition was filed. 384  
Upon taking the oath, the board of trustees shall elect one of its 385  
number as chairperson and another as vice-chairperson, and shall 386  
appoint suitable persons as secretary and treasurer who need not 387  
be members of the board. The treasurer shall be the fiscal officer 388  
of the authority. The board shall adopt by-laws governing the 389  
administration of the affairs of the new community authority. Each 390  
member of the board shall post a bond for the faithful performance 391  
of official duties and give surety therefor in such amount, but 392  
not less than ten thousand dollars, as the resolution creating 393  
such board shall prescribe. 394

All of the powers of the new community authority shall be 395  
exercised by its board of trustees, but without relief of such 396  
responsibility, such powers may be delegated to committees of the 397  
board or its officers and employees in accordance with its 398  
by-laws. A majority of the board shall constitute a quorum, and a 399  
concurrence of a majority of a quorum in any matter within the 400  
board's duties is sufficient for its determination, provided a 401

quorum is present when such concurrence is had and a majority of 402  
those members constituting such quorum are trustees not appointed 403  
by the developer. All trustees shall be empowered to vote on all 404  
matters within the authority of the board of trustees, and no vote 405  
by a member appointed by the developer shall be construed to give 406  
rise to civil or criminal liability for conflict of interest on 407  
the part of public officials. 408

**Sec. 349.06.** In furtherance of the purposes of this chapter, 409  
a new community authority may: 410

(A) Acquire by purchase, lease, gift, or otherwise, on such 411  
terms and in such manner as it considers proper, real and personal 412  
property or any estate, interest, or right therein, within or 413  
without the new community district; 414

(B) Improve, maintain, sell, lease or otherwise dispose of 415  
real and personal property and community facilities, on such terms 416  
and in such manner as it considers proper; 417

(C) Landscape and otherwise aesthetically improve areas 418  
within the new community district, including but not limited to 419  
maintenance, landscaping and other community improvement services; 420

(D) Provide, engage in, or otherwise sponsor recreational, 421  
educational, health, social, vocational, cultural, beautification, 422  
and amusement activities and related services primarily for 423  
~~residents of the district. In the case of a new community~~ 424  
~~authority established on or after the effective date of this~~ 425  
~~amendment and before January 1, 2012, such activities and services~~ 426  
~~may be for~~ residents of, visitors to, employees working within, or 427  
employers operating businesses in the district, or any combination 428  
thereof.; 429

(E) Fix, alter, impose, collect and receive service and user 430  
fees, rentals, and other charges to cover all costs in carrying 431

out the new community development program; 432

(F) Adopt, modify, and enforce reasonable rules and 433  
regulations governing the use of community facilities; 434

(G) Employ such managers, administrative officers, agents, 435  
engineers, architects, attorneys, contractors, sub-contractors, 436  
and employees as may be appropriate in the exercise of the rights, 437  
powers and duties conferred upon it, prescribe the duties and 438  
compensation for such persons, require bonds to be given by any 439  
such persons and by officers of the authority for the faithful 440  
performance of their duties, and fix the amount and surety 441  
therefor; and pay the same; 442

(H) Sue and be sued in its corporate name; 443

(I) Make and enter into all contracts and agreements and 444  
execute all instruments relating to a new community development 445  
program, including contracts with the developer and other persons 446  
or entities related thereto for land acquisition and land 447  
development; acquisition, construction, and maintenance of 448  
community facilities; the provision of community services and 449  
management and coordinating services; with federal, state, 450  
interstate, regional, and local agencies and political 451  
subdivisions or combinations thereof in connection with the 452  
financing of such program, and with any municipal corporation or 453  
other public body, or combination thereof, providing for the 454  
acquisition, construction, improvement, extension, maintenance or 455  
operation of joint lands or facilities or for the provision of any 456  
services or activities relating to and in furtherance of a new 457  
community development program, including the creation of or 458  
participation in a regional transit authority created pursuant to 459  
the Revised Code; 460

(J) Apply for and accept grants, loans or commitments of 461  
guarantee or insurance including any guarantees of community 462

authority bonds and notes, from the United States, the state, or 463  
other public body or other sources, and provide any consideration 464  
which may be required in order to obtain such grants, loans or 465  
contracts of guarantee or insurance. Such loans or contracts of 466  
guarantee or insurance may be evidenced by the issuance of bonds 467  
as provided in section 349.08 of the Revised Code; 468

(K) Procure insurance against loss to it by reason of damage 469  
to its properties resulting from fire, theft, accident, or other 470  
casualties, or by reason of its liability for any damages to 471  
persons or property occurring in the construction or operation of 472  
facilities or areas under its jurisdiction or the conduct of its 473  
activities; 474

(L) Maintain such funds or reserves as it considers necessary 475  
for the efficient performance of its duties; 476

(M) Enter agreements with the boards of education of any 477  
school districts in which all or part of the new community 478  
district lies, whereby the community authority may acquire 479  
property for, may construct and equip, and may sell, lease, 480  
dedicate, with or without consideration, or otherwise transfer 481  
lands, schools, classrooms, or other facilities, whether or not 482  
within the new community district, from the authority to the 483  
school district for school and related purposes; 484

(N) Prepare plans for acquisition and development of lands 485  
and facilities, and enter into agreements with city, county, or 486  
regional planning commissions to perform or obtain all or any part 487  
of planning services for the new community district; 488

(O) Engage in planning for the new community district, which 489  
may be predominantly residential and open space, and prepare or 490  
approve a development plan or plans therefor, and engage in land 491  
acquisitions and land development in accordance with such plan or 492  
plans; 493



(P) Issue new community authority bonds and notes and 494  
community authority refunding bonds, payable solely from the 495  
income source provided in section 349.08 of the Revised Code, 496  
unless the bonds are refunded by refunding bonds, for the purpose 497  
of paying any part of the cost as applied to the new community 498  
development program or parts thereof; 499

(Q) Enforce any covenants running with the land of which the 500  
new community authority is the beneficiary, including but not 501  
limited to the collection by any and all appropriate means of any 502  
community development charge deemed to be a covenant running with 503  
the land and enforceable by the new community authority pursuant 504  
to section 349.07 of the Revised Code; and to waive, reduce, or 505  
terminate any community development charge of which it is the 506  
beneficiary to the extent not needed for any of the purposes 507  
provided in section 349.07 of the Revised Code, the procedure for 508  
which shall be provided in such covenants, and if new community 509  
authority bonds have been issued pledging any such community 510  
development charge, to the extent not prohibited in the resolution 511  
authorizing the issuance of such new community authority bonds or 512  
the trust agreement or indenture of mortgage securing the bonds; 513

(R) Appropriate for its use, under sections 163.01 to 163.22 514  
of the Revised Code, any land, easement, rights, rights-of-way, 515  
franchises, or other property in the new community district 516  
required by the authority for community facilities. The authority 517  
may not so appropriate any land, easement, rights, rights-of-way, 518  
franchises, or other property that is not included in the new 519  
community district. 520

~~(S) In the case of a new community authority established on~~ 521  
~~or after the effective date of this amendment and before January~~ 522  
~~1, 2012, enter Enter into any agreements as may be necessary,~~ 523  
appropriate, or useful to support a new community development 524  
program, including, but not limited to, cooperative agreements or 525

other agreements with political subdivisions for services, 526  
materials, or products; for the administration, calculation, or 527  
collection of community development charges; or for sharing of 528  
revenue derived from community development charges, community 529  
facilities, or other sources. The agreements may be made with or 530  
without consideration as the parties determine. 531

**Sec. 349.14.** Except as provided in section 349.03 of the 532  
Revised Code, or as otherwise provided in a resolution adopted by 533  
the organizational board of commissioners, ~~of a new community~~ 534  
~~authority established on or after the effective date of this~~ 535  
~~amendment and before January 1, 2012,~~ a new community authority 536  
organized under this chapter may be dissolved only on the vote of 537  
a majority of the voters of the new community district at a 538  
special election called by the board of trustees on the question 539  
of dissolution. Such an election may be called only after the 540  
board has determined that the new community development program 541  
has been completed, when no community authority bonds or notes are 542  
outstanding, and other legal indebtedness of the authority has 543  
been discharged or provided for, and only after there has been 544  
filed with the board of trustees a petition requesting such 545  
election, signed by a number of qualified electors residing in the 546  
new community district equal to not less than eight per cent of 547  
the total vote cast for all candidates for governor in the new 548  
community district at the most recent general election at which a 549  
governor was elected. If a majority of the votes cast favor 550  
dissolution, the board of trustees shall, by resolution, declare 551  
the authority dissolved and thereupon the community authority 552  
shall be dissolved. A certified copy of the resolution shall, 553  
within fifteen days after its adoption, be filed with the clerk of 554  
the board of county commissioners of the county in which the 555  
petition for the organization of the new community authority was 556  
filed. 557

Upon dissolution of a new community authority, the powers 558  
thereof shall cease to exist. Any property of the new community 559  
authority ~~which~~ that is located within the corporate limits of a 560  
municipality shall vest in that municipal corporation and all 561  
other property of the community authority shall vest in the county 562  
or township in which said property is located, as provided in the 563  
resolution or petition providing for dissolution. Any vesting of 564  
property in a township shall be subject to acceptance of the 565  
property by resolution of the board of township trustees. Any 566  
funds of the community authority at the time of dissolution shall 567  
be transferred to the municipal corporation and county or 568  
township, as provided in the resolution or petition providing for 569  
dissolution, in which the new community district is located in the 570  
proportion to the assessed valuation of taxable real property of 571  
the new community authority within such municipal corporation and 572  
county or township as said valuation appears on the current 573  
assessment rolls. 574

**Section 2.** That existing sections 349.01, 349.03, 349.04, 575  
349.06, and 349.14 of the Revised Code are hereby repealed. 576

**Section 3.** The amendments to Chapter 349. of the Revised Code 577  
enacted by this act apply to any proceedings commenced after the 578  
amendments' effective date, and, so far as their provisions 579  
support the actions taken, also apply to proceedings that on their 580  
effective date are pending, in progress, or completed, 581  
notwithstanding the applicable law previously in effect or any 582  
provision to the contrary in a prior resolution, ordinance, order, 583  
advertisement, notice, or other proceeding. Any proceedings 584  
pending or in progress on the effective date of those amendments 585  
shall be deemed to have been taken in conformity with the 586  
amendment. 587

The authority provided in the amendments to Chapter 349. of 588

the Revised Code of this act provide additional and supplemental 589  
provisions for the subject matter that may also be the subject of 590  
other laws, and is supplemental to and not in derogation of any 591  
similar authority provided by, derived from, or implied by, the 592  
Ohio Constitution, or any other law, including laws amended by 593  
this act, or any charter, order, resolution, or ordinance, and no 594  
inference shall be drawn to negate the authority thereunder by 595  
reason of express provisions contained in the amendments to 596  
Chapter 349. of the Revised Code enacted by this act. 597