

**RESOLUTION NO. 2009- 65**

**A RESOLUTION DECLARING IT NECESSARY TO REPLACE AN EXISTING TAX LEVY FOR RECREATIONAL PURPOSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT REPLACEMENT LEVY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, this Council finds that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Kent and that it is necessary to levy a tax in excess of that limitation for recreational purposes; and

**WHEREAS**, in accordance with Division (B) of Section 5705.03 of the Revised Code, in order to submit the question of a tax levy pursuant to Section 5705.192 of the Revised Code, this Council must request that the Portage County Auditor certify (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the levy; and

**WHEREAS**, in accordance with Division (B) of Section 5705.03 of the Revised Code, upon receipt of a certified copy of a resolution of this Council declaring the necessity of the tax, stating its purpose, whether it is an additional levy or a renewal or a replacement of an existing tax, and the Section of the Revised Code authorizing its submission to the electors, and requesting such certification, the County Auditor is to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by the proposed levy;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

**SECTION 1.** That this Council declares that it is necessary to replace, for a continuing period of time, an existing .5-mill ad valorem property tax outside of the ten-mill limitation approved by the electors of this City on November 2, 2004 for recreational purposes under Ohio Revised Code Section 5705.19(H), and that it intends to submit the question of the replacement of that levy to the electors at an election on November 3, 2009, as authorized by Section 5705.192 of the Revised Code.

**SECTION 2.** That this Council requests the Portage County Auditor to certify to it both (i) the total current tax valuation of the City and (ii) the dollar amount of revenue that would be generated by the .5-mill replacement levy specified in Section 1.

**SECTION 3.** That the Clerk of Council shall deliver a certified copy of this resolution to the County Auditor promptly following adoption thereof.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the law.

**SECTION 5.** That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City and for the further reason that this resolution must be effective immediately so that there is sufficient time to complete all of the required proceedings to place the renewal tax levy on the November 3, 2009 ballot, and for which reasons and other reasons manifest to this Council, this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

ADOPTED: 06/17/2009  
DATE

\_\_\_\_\_  
MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Resolution No. 2009-65 was duly enacted on this 17 day of June, 2009 by the Council of the City of Kent, Ohio.

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Clerk of Council