

Sponsor: City Council  
This is not a Revision to the Codified Ordinances

CITY OF AURORA  
OHIO

ORDINANCE 2024-029

INTRODUCED BY:

John Kudley, Jr.

SECONDED BY:

Dennis Kovach

AN ORDINANCE APPROVING THE RENEWAL APPLICATION FOR THE PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT FILED BY EMILIO M. AND FRANCES L. CARBONE FOR THEIR PROPERTY LOCATED AT 930 EGGLESTON ROAD AND DECLARING AN EMERGENCY

WHEREAS, Emilio M. and Frances L. Carbone, own property consisting of 21 acres located within the City of Aurora at 930 Eggleston Road known as Lot 29; and

WHEREAS, Mr. and Mrs. Carbone have filed a renewal application requesting that their property be placed as farmland in an agricultural district, and taxed accordingly; and

WHEREAS, City Council desires to approve this renewal application for the placement of farmland in an agricultural district; and

WHEREAS, in approving this application, City Council desires to emphasize that such designation does not relieve the land owner of their responsibility to comply with all applicable City of Aurora codes and ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that;

Section 1. City Council approves the renewal application for the placement of farmland in an agricultural district filed by Emilio M. and Frances L. Carbone for their property located at 930 Eggleston Road.

Section 2. Placement of land in an agricultural district does not relieve the land owner of their obligation to comply with all applicable City of Aurora codes and ordinances.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality

Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: April 9, 2024

Approved: April 10, 2024

Effective: April 10, 2024

By: Ann H. Womer Benjamin  
Ann Womer Benjamin, Mayor

Attest:

Marie Lawrie  
Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero  
Dean DePiero, Director of Law

### CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the five (5) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City website

Such posting was for a period of fifteen (15) days commencing on the 11 Day of April, 2024.

Signed this 11 Day of April, 2024.

Marie Lawrie  
Clerk of Council  
City of Aurora



2024-029

**APPLICATION FOR PLACEMENT OF  
FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc. and taxing district where located.
- State whether any portion of land lies within a municipal corporation.

NOTE: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well and the County Auditor.

-A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.

-If the acreage totals 10 acres or more, do not complete part D.

-If the acreage totals less than 10 acres, complete either D(1) or (2).

-Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

**Deadline to return: 03/04/2024**

**FRIST NOTICE**

**A:** CARBONE EMILIO M & FRANCES L  
930 EGGLESTON RD  
AURORA OH 44202

**Application No:** 838

**Original Year:** 12/2014

**Renewal Year:** 2024

Description of Land as shown on Property Tax Statement: LOT 29 Parcel ID: 03-029-00-00-033-000

Location of Property: 930 Eggleston Rd. Aurora 44202  
Street or Road County

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of ACRES
03	03-029-00-00-033-000	21.00
TOTAL ACRES		21.00

1ST READING 2-26-2024  
2nd READING 3-11-2024  
3RD READING Postponed to 4/9/24  
Public Hearing 4-9-2024  
3RD READING 4-9-2024  
rules Suspended 4-9-2024

ADOPTED 8-0



Application No: 838

2024-029

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation? ☒ YES ☐ NO  
☐ YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under section 5713.31, O.R.C.? ☒ YES ☐ NO

1. If "NO" complete the following showing how the land was used the past three years:

	LAST YEAR Acres	TWO YEARS AGO Acres	THREE YEARS AGO Acres
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?  
☒ YES ☐ NO

If "NO" complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, OR
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

#### Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Charles M. Carbone  
SIGNATURE OF OWNER

1-24-2024  
DATE

(330) 562-8609  
PHONE NUMBER

449 S MERIDIAN ST - RAVENNA, OH 44266

Application No: 838

2024-029

DONOT COMPLETE FOR OFFICIAL USE ONLY

Action of County Auditor

CAUV Application No. 246

Application Approved ☒ Rejected ☐

Date Application Filed with County Auditor 1-31-24

Date Filed (if required) with Clerk of Municipal Corporation

County Auditor's Signature [Signature] Date 2/5/24

Date Decision Mailed to Applicant 2-6-24 Certified Mail No.

Action of Legislative Body of Municipal Corporation

Application Approved ☐ Approved with Modifications ☐ Rejected ☐

Date Application Filed with Clerk

Date of Public Hearing

Date of Legislative Action

CI Signature Date

Date Decision Mailed to Applicant Certified Mail No.

\* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION



2024-029

Application No: 838

Page 4 of 4

**INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT**

**A. WHO MAY FILE?**

owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

**B. WHERE TO FILE**

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

**C. WHEN TO FILE AND RENEWAL**

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

**D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"**

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

**E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?**

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

**F. ARE THERE ANY OTHER REQUIREMENTS?**

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.

2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.

3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

**G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?**

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

**H. APPEAL OF APPLICATION**

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

2024-029

**LOCALiQ**  
The Alliance Review | Ashland Times Gazette  
The Daily Jeffersonian | Record-Courier  
The Daily Record | The Repository  
The Times-Reporter | The Independent  
Akron Beacon Journal | Columbus Dispatch

PO Box 630599 Cincinnati, OH 45263-0599

**PROOF OF PUBLICATION**

"Aurora, City Of"  
Marie Lawrie  
Aurora, City Of  
130 S Chillicothe RD  
Aurora OH 44202-6800

**CITY OF AURORA  
OHIO  
PUBLIC MEETING  
NOTICE**

The Council of the City of  
Aurora shall conduct a  
Public Hearing regarding the  
following Ordinance:

2024-029 entitled:

**STATE OF OHIO, COUNTY OF PORTAGE**

The Record Courier, a newspaper printed and published in  
the city of Kent, and of general circulation in the County of  
Portage, State of Ohio, and personal knowledge of the facts  
herein state and that the notice hereto annexed was  
Published in said newspapers in the issue dated:

03/01/2024

and that the fees charged are legal.

Sworn to and subscribed before on 03/01/2024

AN ORDINANCE APPROV-  
ING THE RENEWAL  
APPLICATION FOR THE  
PLACEMENT OF FARM-  
LAND IN AN AGRICUL-  
TURAL DISTRICT FILED  
BY EMILIO M. AND  
FRANCES L. CARBONE  
FOR THEIR PROPERTY  
LOCATED AT 930 EGGLE-  
STON ROAD AND DECLAR-  
ING AN EMERGENCY

The Hearing will be held at  
7:00 p.m. on Monday, April  
8, 2024, in Council Chambers  
of Aurora City Hall, 130  
South Chillicothe Road;  
Aurora, Ohio. Copies of the  
Ordinance are available in  
the Clerk of Council's Office  
at 130 South Chillicothe  
Road; Aurora, Ohio 44202.

An opportunity will be  
afforded to anyone who  
wishes to comment on this  
subject.

By order of City Council of  
the City of Aurora, Ohio.

Marie Lawrie  
Clerk of Council  
Record Courier: March 1,  
2024; #9882355

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$46.00

Order No: 9882355

Customer No: 476456

PO #:

# of Copies:  
1

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KAITLYN FELTY  
Notary Public  
State of Wisconsin





## Order Confirmation

Not an Invoice

2024-029

Account Number:	
Customer Name:	Aurora, City Of
Customer Address:	Aurora, City Of 130 S Chillicothe RD Marie Lawrie Aurora OH 44202-6800
Contact Name:	"Aurora, City Of"
Contact Phone:	3309958642
Contact Email:	
PO Number:	

Date:	02/27/2024
Order Number:	9882355
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	48.0000
Height in Inches:	0.0000

### Print

Product	#Insertions	Start - End	Category
KNT Record Courier	1	03/01/2024 - 03/01/2024	Public Notices
KNT record-courier.com	1	03/01/2024 - 03/01/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$46.00
Service Fee 3.99%	\$1.84
Cash/Check/ACH Discount	-\$1.84
Payment Amount by Cash/Check/ACH	\$46.00
Payment Amount by Credit Card	\$47.84

Order Confirmation Amount	\$46.00
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## Ad Preview

### CITY OF AURORA OHIO PUBLIC MEETING NOTICE

The Council of the City of Aurora shall conduct a Public Hearing regarding the following Ordinance:

2024-029 entitled:

AN ORDINANCE APPROVING THE RENEWAL APPLICATION FOR THE PLACEMENT OF FARM- LAND IN AN AGRICUL- TURAL DISTRICT FILED BY EMILIO M. AND FRANCES L. CARBONE FOR THEIR PROPERTY LOCATED AT 930 EGGLE- STON ROAD AND DECLAR- ING AN EMERGENCY

The Hearing will be held at 7:00 p.m. on Monday, April 8, 2024, in Council Chambers of Aurora City Hall, 130 South Chillicothe Road; Aurora, Ohio. Copies of the Ordinance are available in the Clerk of Council's Office at 130 South Chillicothe Road; Aurora, Ohio 44202.

An opportunity will be afforded to anyone who wishes to comment on this subject.

By order of City Council of the City of Aurora, Ohio.

Marie Lawrie  
Clerk of Council  
Record Courier: March 1,  
2024; #9882355

2024-029

# LOCALiQ

The Alliance Review | Ashland Times Gazette  
The Daily Jeffersonian | Record-Courier  
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PO Box 630599 Cincinnati, OH 45263-0599

2024-029

## PROOF OF PUBLICATION

Marie Lawrie  
Marie Lawrie  
Aurora, City Of  
130 S Chillicothe RD  
Aurora OH 44202-6800

## STATE OF OHIO, COUNTY OF PORTAGE

The Record Courier, a newspaper printed and published in the city of Kent, and of general circulation in the County of Portage, State of Ohio, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

03/16/2024

and that the fees charged are legal.

Sworn to and subscribed before on 03/16/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$40.75

Order No: 9952224

Customer No: 476456

PO #:

# of Copies:

1

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

## CITY OF AURORA OHIO

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The Hearing has been  
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p.m. on Tuesday, April 9,  
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Aurora City Hall, 130 South  
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By order of City Council of  
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Marie Lawrie  
Clerk of Council  
#9952224; 3/16/2024

KAITLYN FELTY  
Notary Public  
State of Wisconsin



## Order Confirmation

Not an Invoice

2024-029

Account Number:	██████
Customer Name:	Aurora, City Of
Customer Address:	Aurora, City Of 130 S Chillicothe RD Marie Lawrie Aurora OH 44202-6800
Contact Name:	"Aurora, City Of"
Contact Phone:	3309958642
Contact Email:	
PO Number:	

Date:	03/12/2024
Order Number:	9952224
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	41.0000
Height in Inches:	0.0000

### Print

Product	#Insertions	Start - End	Category
KNT Record Courier	1	03/16/2024 - 03/16/2024	Public Notices
KNT record-courier.com	1	03/16/2024 - 03/16/2024	Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	\$40.75
Tax Amount	\$0.00
Service Fee 3.99%	\$1.63
Cash/Check/ACH Discount	-\$1.63
Payment Amount by Cash/Check/ACH	\$40.75
Payment Amount by Credit Card	\$42.38

Order Confirmation Amount	\$40.75
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2024-029

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Clerk of Council

#9952224; 3/16/2024