

RESOLUTION 16 - 2016

OF THE VILLAGE OF ASHVILLE



A RESOLUTION APPROVING THE EXECUTION OF A FIRST AMENDMENT TO NORTHERN PICKAWAY COUNTY JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT AND FIRST AMENDMENT TO THE ANNEXATION MORATORIUM AGREEMENT WITH THE TOWNSHIP OF HARRISON AND THE CITY OF COLUMBUS
715.70-72

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Sections ~~715.72 - 715.81~~ (the "JEDD Statutes"), the City of Columbus (the "City"), Harrison Township (the "Township") and the Village of Ashville (this "Village") executed a Joint Economic Development District Contract, executed as of August, 2007 (the "Original JEDD Contract"), creating the Northern Pickaway County Joint Economic Development District (the "JEDD"). The JEDD currently encompasses a portion of the Township (the "Original JEDD Area"); and

WHEREAS, pursuant to the Original JEDD Contract, the Board of Directors for the JEDD (the "JEDD Board") imposed a 2.50% tax on income withheld from employees working within the JEDD Territory and on net business profits sitused in the Original JEDD Area; and

WHEREAS, NorthPoint Development, LLC ("NorthPoint") desires to develop a parcel of land for commercial purposes (the "Project" or "Project Area") at a site within the boundaries of the Township (the "JEDD Addition," which is further described on the attached Exhibit A and incorporated herein by this reference), provided that the appropriate economic development incentives are available to support the economic viability of the Project. The JEDD Addition is located outside of the Original JEDD Area. The Original JEDD Area and the JEDD Addition are referred to collectively here in as the "Expanded JEDD Area." The Expanded JEDD Area is depicted on Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, the Village Council (this "Village Council") of this Village desires to add the JEDD Addition to the Original JEDD Area by executing a First Amendment to Northern Pickaway County Joint Economic Development Contract (the "First Amendment to JEDD Contract"), substantially in the form attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, this Village Council desires to enter into the First Amendment to JEDD Contract for the purpose of facilitating economic development, to create jobs and employment opportunities and to improve the economic welfare of the people in the City, the Township, this Village, Pickaway County (the "County"), and the State of Ohio (the "State") and anticipates that adding the JEDD Addition to the Original JEDD Area will bring economic development, jobs and revenue to this City, the Township, the County and the State; and

WHEREAS, the JEDD Addition meets all of the criteria set forth in R.C. Section 715.73; and

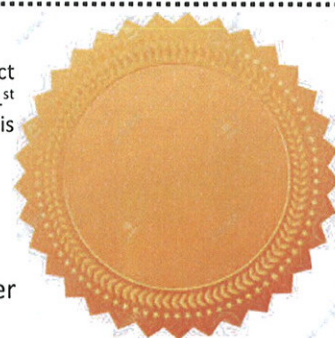
WHEREAS, this Village Council has authority to enter into the First Amendment to JEDD Contract pursuant to the JEDD Statutes; and **715.72(L)(2)**

WHEREAS, pursuant to R.C. Sections ~~715.761~~, this Village Council has made available for public inspection a copy of the First Amendment to JEDD Contract, a description of the area to be added to the Original JEDD Area, and a map of the area to be added to the Original JEDD Area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area; and

Prepared: 09/23/2016
Revised Date:
Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the resolution adopted by the Village of Ashville Council held on 21st day of November 2016, and that I am duly authorized to execute this certificate.



Clerk-Fiscal Officer

(Original signature of April D. Grube)

(TITLE)

715.72(I)(1)

WHEREAS, pursuant to R.C. Sections ~~715.761 and 715.75~~, this Village Council has published a notice of public hearing in a newspaper of general circulation in this Village, certificates of which are attached hereto as Exhibit C; and **715.72(L)(3)**

WHEREAS, NorthPoint, as the only owner of the JEDD Addition and the Developers as the only owners of a business located within the JEDD Addition, have filed property owner and business owner petitions pursuant to R.C. Section ~~715.761(C)(6)~~, thus alleviating the need for this Village to give notice as would otherwise have been required under R.C. Section ~~715.76~~; and **715.72(J) 715.72(L)(2)**

WHEREAS, pursuant to R.C. Sections ~~715.761(B) and 715.75(C)~~, this Village Council caused a copy of the First Amendment to JEDD Contract to be delivered to the Board of County Commissions of Pickaway County on _____, 2016; and

WHEREAS, pursuant to R.C. Sections ~~715.76 and 715.761~~, this Village Council has held a public hearing allowing for public comment and recommendations on the First Amendment to JEDD Contract and the JEDD; and

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Section 709.192, the City, the Township and this Village executed the Harrison Township Annexation Moratorium Agreement (the "Original AMA") effective June 30, 2010. A copy of the Original AMA is attached hereto as Exhibit D and incorporated herein by this reference; and

WHEREAS, the Original AMA originally encompassed a portion of the Township (the "Original AMA Area"), commonly referred to as the Northern Industrial Area, as depicted on the map attached as Exhibit A to the Original AMA and attached hereto as Exhibit D and incorporated herein by this reference; and

WHEREAS, the City, the Township, this Village and the Developers desire to reaffirm that the Project Area is included in the Original AMA Area by executing the First Amendment to Harrison Township Annexation Moratorium Agreement attached hereto as Exhibit E. The Original AMA Area and the Project Area are referred to collectively here in as the "Reaffirmed AMA Area." The Reaffirmed AMA Area is depicted on Exhibit F hereto and incorporated herein by this reference

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL FOR THE VILLAGE OF ASHVILLE, PICKAWAY COUNTY, OHIO THAT:

SECTION 1. This Village Council hereby finds and determines that the terms of the First Amendment to JEDD Contract are in the best interests of this Village and its residents and will enhance economic development, create jobs and employment opportunities, and improve the economic welfare of the people in this Village, the Township, the City, the County, and the State.

SECTION 2. This Village Council hereby approves the execution of the First Amendment to JEDD Contract and the First Amendment to Harrison Township Annexation Moratorium Agreement, freely and without duress or coercion, and authorizes the Village Administrator to execute the First Amended JEDD Contract and the First Amendment to Harrison Township Annexation Moratorium Agreement on behalf of this Village substantially in the form attached hereto as Exhibit B and Exhibit E, with such non-material and/or non-adverse changes as may be deemed appropriate by the Village Administrator and one other member of this Village Council. Such execution on behalf of this Village shall constitute conclusive evidence of this Village Council's approval of any such changes. This Village Council further authorizes and directs the Village Administrator and one other member of this Village Council to take any further actions, and to execute and deliver any further agreements, certificates or documents that are necessary, reasonable or appropriate to carry out the purposes of the First Amended JEDD Contract and the First Amendment to Harrison Township Annexation Moratorium Agreement.

SECTION 3. This Village Council hereby authorizes and directs the Clerk of this Village Council to file with the Board of County Commissioners of Pickaway County, in conjunction with the City and Township, all documents required to be filed under R.C. Sections 715.76 and 715.761, including, without limitation, (i) a signed copy of the First Amendment to JEDD Contract, (ii) a description of the area to be added to the Original JEDD Area, including a map in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area, (iii) a certified copy of this Resolution, (iv) a certificate of this Village that the public hearings required by R.C. Sections 715.761 and R.C. 715.75 were held, the date of the hearings, and evidence of publication of the notice of the hearings, (v) the petition signed by the Authority as the only owner of the JEDD Addition and (vi) the petition signed by the Developers as the only owners of a business located within the JEDD Addition.

SECTION 4. This Village Council hereby consents, pursuant to R.C. Section 715.81, to the granting of tax exemptions in the Expanded JEDD Area, including but not limited to exemptions under R.C. Section 3735.67, notwithstanding anything to the contrary in the JEDD Agreement.

SECTION 5. It is hereby found and determined that all formal actions of this Village Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Village Council, and that all deliberations of this Village Council and any decision making bodies of the City and Township that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION 6. This Resolution shall take effect and be in full force and effect immediately upon its adoption.

Offered by: Nelson R. Embrey

Seconded by: Todd M. Henson

The vote, upon its adoption resulted:

Rainey-Yes Embrey-Yes Garvine-Yes Henson-Yes Loveless-Approved Absence Sorvillo-Yes

PASSED THIS 21st DAY OF NOVEMBER, 2016

ATTEST:


April D. Grube, Clerk-Fiscal Officer

DATE: 11/21/16

APPROVED:


Charles K. Wise, Mayor

DATE: 20/Nov/16