

RESOLUTION NO. 021-13

A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN MWA ENTERPRISES, LTD AND THE CITY OF NAPOLEON, OHIO WITHIN NAPOLEON CRA #7 WHICH INCLUDES A PAYMENT IN LIEU OF TAXES ; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Reinvestment Area Program, pursuant to Ohio Revised Code Chapter 3735, authorizes the City to grant real property tax exemptions on eligible new investments; and,

WHEREAS, the City by Resolution 114-01 adopted on October 1, 2001 that designated an area (CRA 7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and, with the adoption of Resolution No. 65-02 adopted June 17, 2002 enlarged the area; and,

WHEREAS, the Director of Development determined that the area so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development certified the area as a community reinvestment area known as Zone No. 069-53550-02 (the "Area"); and,

WHEREAS, the MWA Enterprises, Ltd. made application that will involve a total capital investment in real property currently estimated at One Million Four Thousand Three Hundred Dollars (\$1,004,300.00), plus or minus 10%, in development of a retail commercial building, approximate size being 10,000 square feet, and appurtenances at the site located at 900 American Road, Napoleon, Ohio and an estimated investment in tangible personal property of Four Hundred and Fifty-Nine Thousand Dollars (\$459,000.00), plus or minus 10 %; and,

WHEREAS, it was recommended by the Director of the Community Improvement Corporation of Henry County, Ohio, contracted administrator of the CRA's for the City, that MWA Enterprises, Ltd receive a 100% abatement for ten (10) years on the proposed real property improvements with a payment in lieu of taxes to the Napoleon Infrastructure Fund, the Liberty Center Local School District, and the Four County Career Center (collectively referred to as "the School Districts"); and,

WHEREAS, the School Districts were provided with all legally-required notices; and,

WHEREAS, the School Districts, either waived the timeliness of the notice requirement(s) and approved the proposed agreement or, timely received the notice(s) and made approval; Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with MWA Enterprises Ltd., in substantially the form as being currently on file with the City Finance Director, Agreement No. 2013-11 subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director, provided that the amount and allocation of the annual payment in lieu of taxes may not be amended without consent of this Council; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

Section 3. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

Section 4. That, if any prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect a the earliest time permitted by law.

Passed: May 20, 2013 _____
John A. Helberg, Council President

Approved: May 20, 2013 _____
Ronald A. Behm, Mayor

VOTE ON PASSAGE 6 Yea Nay Abstain

Attest: Gregory J. Heath
Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 021-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 20__; and I further certify the compliance with the rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director