

RESOLUTION NO. 048-18

A RESOLUTION AUTHORIZING AMENDMENTS TO THE EXISTING COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, AND VENTURES IN SPACE, LTD. WITHIN NAPOLEON CRA #7; 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, on October 1, 2001, by Resolution 114-01 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, Ventures In Space, Ltd. has previously entered into a Community Reinvestment Area Agreement with the City, Agreement 2017-09, involving a total capital investment in real property currently estimated at \$2,000,000.00, plus or minus ten percent (10%), in development of office space and manufacturing space by way of building(s), approximate size being 100,000 square feet (total), and appurtenances at the site located on parcel number 28-0700780000, Independence Drive, Napoleon, Ohio; and,

WHEREAS, pursuant to said Agreement, Ventures In Space, Ltd. receive a one hundred percent (100%) abatement for fifteen (15) years on the proposed real property improvements; and,

WHEREAS, now Ventures In Space, Ltd. and the City wish to amend said Agreement as shown in Exhibits "A" and "B" attached hereto; and

WHEREAS, Ventures In Space, Ltd. has previously remitted to the City the required state application fee of seven hundred fifty dollars (\$750.00) made payable to the Ohio Department of Development which was forwarded to the Director of Development with a copy of the original Agreement; and,

WHEREAS, the Housing Officer for Community Reinvestment Area No. 7 for the City has investigated the proposed amendments and has recommended the same to the City of Napoleon Council on the basis that Ventures In Space, Ltd. continues to be qualified by financial responsibility and business experience; further, that in granting the CRA Agreement Amendments, new construction or remodeling will be made in CRA #7 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of the industrial speculative building and paving after all the existing structures have been completely cleared from the project site. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,

WHEREAS, the appropriate school(s) were provided with all legally-required notices; and,

WHEREAS, if notice to and approval by the Napoleon Area City School District Board of Education are necessary, the Napoleon Area City School District Board of Education has either waived the timeliness of the notice requirement(s) and approved the proposed amendments 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 of and consents to the proposed amendments to the Community Reinvestment Area Agreement with Ventures In Space, Ltd., Agreement No. 2017-09, as shown in Exhibits "A" and "B" attached hereto, said amendments having been reviewed by this Council, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement Amendments 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.

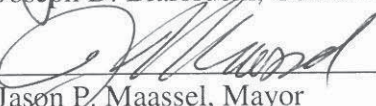
Section 4. That, if any prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions 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 at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: August 20, 2018


Joseph D. Bialorucki, Council President

Approved: August 20, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 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. 048-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25th day of August, 2018; 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
Gregory J. Heath, Clerk/Finance Director

EXHIBIT "A"
AMENDMENT NO. 1

This Amendment No. 1 (the "Amendment") to Community Reinvestment Area Agreement No. 2017-000 (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio, 43545 (the "City") and Ventures in Space, LTD., a limited liability partnership organized under the laws of Ohio, located at 11495A SR 15, Montpelier, OH 43543 (the "Enterprise") (collectively referred to as "Parties").

WHEREAS, the Enterprise has expressed an intention to increase its capital investment in real property that is currently subject to the Agreement from a total capital investment of \$2,000,000.00 to \$6,000,000.00 and it is the Parties' intent to amend the terms and conditions of the Agreement to reflect such increase in capital investment.

NOW, THEREFORE, on the basis of the foregoing recital and in consideration of the mutual promises and agreements of the Parties, the City and the Enterprise agree to amend the Agreement as follows:

:

Section 3. The Project. The Project will involve a total capital investment in real property currently estimated at \$6,000,000.00, plus or minus 10%, in the development of an industrial building and appurtenances, approximate size being 200,000 square feet, at the site located on parcel #28-0700780000, 620 Independence Drive, Napoleon, Ohio.

- (a) A description of the construction shall be as described in the attached Appendix B1, which hereby supersedes Appendix B of the Agreement..
- (b) Construction will commence by April 2017 and will be completed by January 1, 2019.
- (c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

Section 7. Exemptions.

- (a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 100% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 15 years for the Improvements. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1, 2020, nor shall extend beyond December 31, 2034. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$6,000,000.00.
- (b) The description of the real property to be exempted is as described in Appendix C of the Agreement.
- (c) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

Additionally, the following Definitions of the Agreement are amended as follows:

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix B1 of the Amendment, incorporated by reference hereto.

"Project Completion Date" means January 1, 2019, even though the actual completion date may be earlier.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Amendment to be executed on their behalf by their respective duly authorized officer or representative on this ____ day of _____, 2018.

AGREED:

CITY OF NAPOLEON, OH

By _____
Joel Mazur, City Manager

VENTURES IN SPACE, LTD.

By _____
Sean Rupp, Owner

CONSENTED TO:

NAPOLEON AREA CITY SCHOOL DISTRICT

By: _____
Dr. Steve Fogo, Superintendent

APPROVED AS TO FORM AND CORRECTNESS:

Prosecuting Attorney

EXHIBIT "B"

Appendix "B1"

The Project will involve a total capital investment in real property currently estimated at \$6,000,000.00, plus or minus 10%, in development of an industrial speculative building and appurtenances, approximate size being 200,000 square feet, located on Permanent Parcel No. 28-0700780000, 620 Independence Drive, Napoleon, Ohio.

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 25th day of August, 2018.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
5th day of September, 2018

Beverly Griteman
Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$206.10

Notary Fee: \$1.50

**Summary of Ordinance No. 047-18
and Resolution No.(s) 046-18, 048-18, 049-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 047-18

AN ORDINANCE AUTHORIZING THE CITY MANAGER FOR THE CITY OF NAPOLEON, OHIO TO COMPLETE ALL ACTS NECESSARY TO ENTER INTO ALL NECESSARY AGREEMENTS TO COMPLETE THE SALE OF CERTAIN REAL PROPERTY LOCATION WITHIN THE CITY OF NAPOLEON, OHIO TO VENTURES IN SPACE, LTD. OR ITS DESIGNATED AFFILIATED ENTITY; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to complete the sale of real property to Ventures In Space, Ltd.

Resolution No. 046-18

A RESOLUTION CREATING AND AUTHORIZING JOB CREATION TAX AGREEMENTS BETWEEN THE CITY OF NAPOLEON, OHIO, AND JAC PRODUCTS, INC., AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE SAID AGREEMENTS; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon created and authorized job creation tax agreements with JAC Products, Inc. and authorized the City Manager to execute said agreements.

Resolution No. 048-18

A RESOLUTION AUTHORIZING AMENDMENTS TO THE EXISTING COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, AND VENTURES IN SPACE, LTD. WITHIN NAPOLEON CRA #7; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized amending the existing CRA agreement between the City and Ventures In Space, Ltd.

Resolution No. 049-18

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT FOR A PLANNED CLUSTER DEVELOPMENT LOCATED AT CLAIRMONT AVENUE WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized a conditional use permit for a planned cluster development located at Clairmont Avenue