

ORDINANCE NO. 32 - 13

AN ORDINANCE APPROVING A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT WITH LIBERTY TOWNSHIP AND THE CITY OF POWELL; AND DECLARING AN EMERGENCY.

WHEREAS, representatives of the Board of Township Trustees of Liberty Township (Delaware County), Ohio ("Liberty"), the City of Powell, Ohio ("Powell") and the City of Bexley, Ohio (the "City") have been working together to facilitate new and expanded growth for commercial and industrial development in the State of Ohio (the "State") and have determined that forming a certain joint economic development zone within certain unincorporated areas of Liberty (the "JEDZ") will advance that objective; and

WHEREAS, the aforementioned representatives have negotiated the terms of a joint economic development zone contract (the "JEDZ Contract") for the JEDZ; and

WHEREAS, as required by R.C. Section 715.691(D), this Council held a public hearing on July 30, 2013 regarding the JEDZ Contract and the JEDZ, and provided at least 30 days notice of such public hearing in a newspaper of general circulation in the City; and

WHEREAS, pursuant to R.C. Section 715.691(D), during this 30-day notice period, the City made the JEDZ Contract, a description and map of the proposed JEDZ and the JEDZ economic development plan available for public inspection in the office of the City Auditor of the City; and

WHEREAS, to facilitate new and expanded growth for commercial and industrial development in the State, the City desires to approve the JEDZ Contract;

NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL FOR THE CITY OF BEXLEY, OHIO, THAT:

SECTION 1. This Council hereby finds and declares that it received adequate notice of the terms of the JEDZ Contract, including but not limited to the terms of the JEDZ Contract that provide for establishment of a JEDZ and the levy of an income tax within that JEDZ.

SECTION 2. The Council hereby approves the JEDZ Contract, and authorizes the Mayor and City Auditor to execute the JEDZ Contract on behalf of the City in substantially the form attached hereto as Exhibit A, with such non-material and/or non-adverse changes as may be deemed appropriate by those officials. Such execution on behalf of the City shall constitute conclusive evidence of this Council's approval of any such changes. This Council further authorizes and directs the appropriate City officers 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 JEDZ Contract.

SECTION 3. This Council hereby directs the City Auditor to certify and deliver true and complete copies of this Ordinance, together with the attachments hereto, to the Board of Trustees of Liberty and to the City Council of Powell as soon as practicable after the passage of this Ordinance. In addition, as soon as practicable after the passage of this Ordinance, the City Auditor is hereby directed to deliver one true and complete copy of this Ordinance, together with the attachments hereto, to both the Delaware County Board of Elections and the Franklin County Board of Elections, to direct the Delaware County Board of Elections, pursuant to R.C. Section 715.691(E), to submit Resolution No. _____ passed by the Board of Township Trustees of Liberty on _____, 2013 to the electors of Liberty on the day of the next general election, and to note to the Franklin County Board of Elections that no action is required of the Franklin County Board of Elections.

SECTION 4. This Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including R.C. Section 121.22.

SECTION 5. This Ordinance is hereby declared to be an emergency measure, the immediate passage of which is necessary for the preservation of the public peace, health and safety of the City and its citizens, such emergency arising out of the necessity of avoiding detrimental delay in advancing commercial and industrial development and to ensure that the JEDZ Contract is considered by the Liberty electors at the general election in November, which delay could negatively affect such development and the opportunity for receipt of income tax revenues by the City.

Passed: _____, 2013

Rick Weber, President of Council

Attest: _____
City Auditor/Clerk of Council

Approved: _____, 2013

Ben Kessler, Mayor