

# Ordinance No. 7810

## AN ORDINANCE AUTHORIZING A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF DEFIANCE AND B & B REALTY HOLDINGS, LLC AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 6606, passed September 6, 2005, established Community Reinvestment Area #3 to encourage investments to construct and improve buildings within the designated area by exempting the value of new improvements from ad valorem property taxation for a designated period of time; and,

WHEREAS, B & B Realty Holdings, LLC acquired lands formerly occupied by the Compo Corporation with the intent to renovate vacant buildings and restore them to productive use; and,

WHEREAS, B & B Realty Holdings, LLC was induced to purchase the property by assurances that 90% of the increase in valuation resulting from the proposed improvements would be exempted from taxation for a period of 10 years; and,

WHEREAS, the Board of Education approved allowance of the proposed tax exemption by Resolution duly adopted prior to acquisition of the real estate by B & B Realty Holdings, LLC; and,

WHEREAS, final plans and specifications for the improvements have been completed and it is necessary that the Community Reinvestment Area Agreement between the City and B & B Realty Holdings be formally adopted so that work may proceed in a timely manner without jeopardizing the validity of the promised tax exemptions;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: the Community Reinvestment Area Agreement Between the City of Defiance, Ohio, and B & B Realty Holdings, LLC now on file with the Clerk of Council is approved and all municipal officials are authorized to execute the same.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 3: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that immediate execution of the agreement is necessary to enable B & B Realty Holdings, LLC to proceed with work that must be completed by early summer, 2016, to prepare facilities for employment of municipal residents. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: April 12 \_\_\_\_\_, 2016

Michael Ketcham  
\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6 \_\_\_\_\_

Votes Opposed to Adoption: 0 \_\_\_\_\_

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: April 12 \_\_\_\_\_, 2016

Michael McCann  
\_\_\_\_\_  
Mayor

## RESOLUTION No. 2486

### A RESOLUTION APPROVING A PETITION AND AUTHORIZING THE FILING OF ARTICLES OF INCORPORATION TO CREATE AN ENERGY SPECIAL IMPROVEMENT DISTRICT

WHEREAS, Chapter 1710 of the Ohio Revised Code empowers property owners to petition the municipality for creation of an Energy Special Improvement District; and,

WHEREAS, Pursuant to Ohio Revised Code §1710.02, B&B Realty Holdings, LLC has filed a proper Petition entitled: Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects (the "Petition"), (2) an initial plan entitled: City of Defiance, Ohio Energy Special Improvement District Plan (the "Plan"), and (3) Articles of Incorporation of the City of Defiance, Ohio Energy Special Improvement District, Inc. (the "Articles"); and

WHEREAS, the Petition asks Council to create the City of Defiance, Ohio, Energy Special Improvement District to be administered by an Ohio not-for-profit corporation organized in accordance with the Articles of Incorporation and Chapter 1702 of the Revised Code; and,

WHEREAS, the Petition and Articles provide for governance of City of Defiance, Ohio, Energy Special Improvement District, Inc., in conformity with Ohio Revised Code Chapter 1710 including, without limitation, §1710.04; and,

WHEREAS, the proposed Plan adequately identifies the special energy improvement project to be undertaken on the lands described by the Petition and adequately describes the special assessments that will be required to secure repayment of loans incurred to pay project costs; and,

WHEREAS, Council undertook a study of the proposal in open meeting on April 5, 2016, and finds that establishment of the Energy Special Improvement District will complement economic development initiatives undertaken by the City to promote the general welfare of the community and better ensure public health and safety by protecting water and other natural resources; and,

WHEREAS, Council further finds that the proposed special energy improvement project need not be exclusively owned by the municipality to achieve the municipal purposes for which the Energy Special Improvement District is created;

Now therefore, be it Resolved by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The Petition of B & B Realty Holdings, LLC and accompanying operational plan are approved. The Clerk of Council is directed to file the proposed Articles of Incorporation and a certified copy of this Resolution with the Ohio Secretary of State. The City Law Director is authorized to approve such alterations to the Articles as may be requested by the Secretary of State to secure acceptance of the document.

Section 2: Upon creation of City of Defiance, Ohio, Energy Special Improvement District, Inc., the Member of Council serving as liaison for Economic Development shall serve on the Board of Directors.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Resolution were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 7: This Resolution shall be effective on the earliest date permitted by law.

Passed: April 12 \_\_\_\_\_, 2016

Michael Ketcham  
\_\_\_\_\_  
President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: April 12 \_\_\_\_\_, 2016

Michael McCann  
\_\_\_\_\_  
Mayor