

City of Willoughby Hills

ORDINANCE NO. 2019-45

DAVID M. FIEBIG
CHRISTOPHER HALLUM
LAURA LENZ
JANET R. MAJKA
LAURA PIZMOHT

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT ACT AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND 27853 CHARDON ROAD LLC (PROPERTY OWNER), PRODUCE PACKAGING, INC. (OPERATOR) AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willoughby Hills has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Property Owner is desirous of renovation of the current structure (formerly Sam's Club), approximately 150,000 sq. ft. to be operated by Operator at 27853 Chardon Road on lot number 31A0080000230 (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of Willoughby Hills, Ohio by the adoption of Ordinance No. 2005-12 on February 10, 2005 designated the area as an "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the Council of Willoughby Hills, Ohio by the adoption of Ordinance No. 2006-12 on March 9, 2006 extended the area designated as an "Community Reinvestment Area", pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective February 22, 2005, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 2005-12 contained the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, Property Owner, having appropriate authority for the stated type of project, is desirous of obtaining incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Fritz Bros. Properties, LLC submitted a proposed agreement application (herein attached as Exhibit A) to the City of Willoughby Hills, said application (hereinafter referred to as "APPLICATION") and subsequent to such APPLICATION, Fritz Bros. Properties, LLC formed the Property Owner as sole owner to acquire the Project; and

WHEREAS, Property Owner will pay the required one-time state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, The City of Willoughby Hills has investigated the APPLICATION and has recommended the same to the Council of the City of Willoughby Hills on the basis that Property Owner is qualified by financial responsibility and business expertise to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the Willoughby-Eastlake School District; and

WHEREAS, the project as proposed by Property Owner, is located in the Willoughby-Eastlake School District. The Board of Education of the Willoughby-Eastlake School District has been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained in said Community Reinvestment Act Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into a Community Reinvestment Act Agreement with 27853 Chardon Road LLC, an Ohio limited liability company, located at 16432 Stoneridge Road, Chagrin Falls, Ohio, 44023 (referred to as "Property Owner") pursuant to the terms and conditions identified in said Agreement, consisting of six (6) pages attached hereto as the **Exhibit "B"**, consisting of six (6) pages and incorporated herein by reference.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual operation of a municipal department; to wit: to immediately expedite the City of Willoughby Hills Community Reinvestment Act Agreement for said Agreement is required to move forward with said project; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: July 11, 2019

Submitted to the Mayor for his approval
on this 11 day of July, 2019

ATTEST:
Victoria Ann Savage, CMC
Victoria Ann Savage, CMC
Clerk of Council

Nancy E. Fellows
Nancy E. Fellows
President of Council

Approved by the Mayor

July 12, 2019
Robert M. Weger
Robert M. Weger
Mayor