

DAVID A. REICHEL
President of Council

NANCY E. FELLOWS
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
KEVIN D. MALECEK
RAYMOND C. SOMICH

ORDINANCE NO. 2013-42

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT ACT AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND CLOVER COMMUNITIES WILLOUGHBY LLC. 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, the Clover Communities Willoughby LLC is desirous of constructing a Senior Apartment Independent Living 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, the City of Willoughby Hills, having the appropriate authority for the stated type of project, is desirous of providing Clover Construction Management/Development with incentives available for the development of a Senior Independent Living Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Clover Communities Willoughby LLC submitted a proposed Agreement Application, consisting of four (4) pages, attached hereto as Exhibit "A"; and

WHEREAS, Clover Communities Willoughby LLC have remitted the required state application fee of \$750.00 made payable to the Ohio Department Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Mayor, serving as the CEO of the City of Willoughby Hills has investigated the application of Clover Communities Willoughby LLC and has recommended the same to the Council of the City of Willoughby Hills on the basis that Clover Communities Willoughby LLC is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Willoughby Hills; and

WHEREAS, the project site as proposed by Clover Construction Management/Development is located in the Willoughby-Eastlake School District and (insert name of applicable joint vocational school) and 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 an **Community Reinvestment Act Agreement** with Clover Communities Willoughby LLC pursuant to the terms and conditions identified in said **AGREEMENT**, consisting of seven (7) pages attached hereto as **Exhibit “B”**, and in accordance with the **Declaration of Restriction for permanent parcels 31A0040000240 and 31A0040000250 as own by Clover Communities Willoughby, LLC**, consisting of three (3) pages, attached hereto as **Exhibit “C”** and incorporated herein by reference.

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were 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, the establishment of a Congregate Care Facility a three story, 113 unit, Independent Senior Living Apartment Building; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 2013

David A. Reichelt
President of Council

Submitted to the Mayor for his approval
on this _____ day of _____, 2013

Approved by the Mayor

ATTEST:

_____, 2013

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor