

# City of Willoughby Hills

## ORDINANCE NO. 2014-Dunkin Donut

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### **AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT ACT AGREEMENT BY AND BETWEEN THE CITY OF WILLOUGHBY HILLS AND NIYATI ENTERPRISE LLC AND DECLARING AN EMERGENCY.**

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**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**, Niyati Enterprise LLC is desirous of constructing a new, one story, 1782 square foot facility to be operated as a Dunkin' Donuts restaurant, on Bishop Road on lot number 31-A-008-D-00-026-0 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**, 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 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**, the City of Willoughby Hills, having appropriate authority for the stated type of project, is desirous of providing Niyati Enterprise LLC with incentives available for the development of the project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

**WHEREAS**, Niyati Enterprise LLC submitted a proposed Agreement Application, consisting of six (6) pages, attached hereto as Exhibit "A"; and

**WHEREAS**, Niyati Enterprise LLC 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 Mayor, serving as the CEO of the City of Willoughby Hills and the Safety and Service Director, has investigated the application of Niyati Enterprise LLC and has recommended the same to the Council of Willoughby Hills on the basis that Niyati Enterprise 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 Willoughby-Eastlake School District; and

**WHEREAS**, the project as proposed by Niyati Enterprise LLC is located in the Willoughby-Eastlake School District 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 Niyati Enterprise LLC pursuant to the terms and conditions identified in said Agreement, consisting of six (6) pages attached hereto as Exhibit “B” 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, a Dunkin’ Donuts restaurant to be located on Bishop Road, Willoughby Hills, Ohio; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2014

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**Raymond C. Somich**  
*President of Council*

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Approved by the Mayor

ATTEST:

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**Victoria Ann Savage, CMC**  
*Clerk of Council*

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**Robert M. Weger**  
*Mayor*