

ORDINANCE NO. 107-23

**AN ORDINANCE APPROVING THE EIGHTH
AMENDMENT TO THE CITY OF MEDINA – MONTVILLE
TOWNSHIP JOINT ECONOMIC DEVELOPMENT
DISTRICT AND ANNEXATION CONTRACT ADDING
TERRITORY TO THE DISTRICT.**

WHEREAS: As of December 14, 2009, the City of Medina and the Township of Montville, Medina County, Ohio (the “Contracting Parties”) entered into the City of Medina-Montville Township Joint Economic Development District and Annexation Contract (“Original JEDD Contract”), approved by Medina City Ordinance No. 182-09 and Resolution No. 120809.01 of the Montville Township Board of Trustees, creating the City of Medina – Montville Township Joint Economic Development District;

WHEREAS: The Original JEDD Contract was entered into pursuant to Ohio Revised Code Section 715.72 through 715.83;

WHEREAS: The territorial boundaries of the JEDD were established by the Original JEDD Contract (the “Initial JEDD Districts”);

WHEREAS: The Original JEDD Contract and the Initial JEDD Districts have been amended and modified from time to time as authorized by parties;

WHEREAS: South Town Center, LLC (the “Developer”), located at 5827 Wooster Pike Road, Parcel No. 030-11A-01-010 (the “Property”) desires to develop the Property for commercial purposes (the “Project”) and the Property is not located in the JEDD Districts, as have been amended over time (“Amended JEDD Districts”);

WHEREAS: The City, Township, and Developer desire for the Property to be located in the JEDD, so it may enjoy all of the benefits of the District; Developer further consents to the levying of taxes consistent with the Original JEDD Contract and any amendments thereto; and, accordingly, Developer has filed a petition to join the JEDD;

WHEREAS: The City, Township, and the Developer desire to facilitate the addition of the Property to the Amended JEDD Districts, thereby updating and amending the territorial boundaries of the District (the “Updated and Amended JEDD Districts”)

WHEREAS: This Amendment is enacted pursuant to Section 5.2 of the JEDD Contract.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

- SEC. 1:** That the Mayor is hereby authorized and directed to enter into the Eighth Amendment to the City of Medina – Montville Township Joint Economic Development District and Annexation Contract, a copy of which amendment is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.
- SEC. 2:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted 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 in meetings open to the public, in compliance with the law.
- SEC. 3:** This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: June 26, 2023

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 27, 2023

SIGNED: Dennis Hanwell
Mayor

Effective date: July 26, 2023

AMENDMENT TO JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT

This Amendment to the City of Medina-Montville Township Joint Economic Development District Contract (the "Amendment") is executed effective July 26, 2023, by and between the City of Medina, a municipal corporation in Ohio, (the "City") and Montville Township, Medina County, Ohio, a township formed and existing under the laws of the State of Ohio, through its Board of Township Trustees (the "Township").

RECITALS:

- A. The City and the Township executed the City of Medina-Montville Township Joint Economic Development District Contract (the "Original JEDD Contract") effective December 14, 2009. A copy of the Original JEDD Contract is attached hereto as Exhibit A and incorporated herein by this reference. The Original JEDD Contract established the City of Medina-Montville Township Joint Economic Development District (referred to herein as the "JEDD," or the "District").
- B. The territorial boundaries of the JEDD were established by the Original JEDD Contract (the "Initial JEDD Districts"), as depicted on the maps attached as Exhibit A to the Original JEDD Contract and attached hereto as Exhibit B and incorporated herein by this reference.
- C. Pursuant to Section 10 of the Original JEDD Contract, the Board of Directors for JEDD (the "JEDD Board") levied "an Income Tax, including a payroll Income Tax and a net profits tax at a rate of 1.25%" in the Initial JEDD Districts.
- D. The Original JEDD Contract and the Initial JEDD Districts have been amended and modified from time to time. A map depicting the current territorial boundaries of the JEDD (the "Amended JEDD Districts"), is attached hereto as Exhibit C and incorporated herein by this reference. An Income Tax, including a payroll Income Tax and a net profits tax at a rate of 1.25%, is levied on all participating properties in the Amended JEDD Districts.
- E. South Town Center, LLC (the "Developer"), located at 5827 Wooster Pike Road, Parcel No. 030-11A-01-010 (the "Property") desires to develop the Property for commercial purposes (the "Project").
- F. The Property is not located in the Amended JEDD Districts.
- G. The City, Township, and Developer desire for the Property to be located in the JEDD, so it may enjoy all of the benefits of the District. Developer further consents to the levying of taxes consistent with the Original JEDD Contract and any amendments thereto. Accordingly, Developer has filed a petition to join the JEDD, a copy of which is attached hereto as Exhibit D.
- H. The City, Township, and the Developer desire to facilitate the addition of the Property to the Amended JEDD Districts, thereby updating and amending the territorial boundaries of

the District (the "Updated and Amended JEDD Districts"). A map depicting the Updated and Amended JEDD Districts is depicted on Exhibit E hereto and incorporated herein by this reference.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the receipt and sufficiency of which are hereby acknowledged, the parties herein agree as follows:

Section 1. The District is hereby expanded to include all properties located in the Updated and Amended JEDD District, attached hereto as Exhibit E.

Section 2. Any procedural or substantive irregularities in the creation or amendments of the JEDD are hereby waived, and all actions previously taken by the Board are ratified and approved.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City and Township have caused this Agreement to be executed in their respective names by their duly authorized officers or representatives, as of the date written above.

CITY OF MEDINA, OHIO

By: Dennis Hanwell 6-27-2023
Dennis Hanwell, Mayor

Approved as to legal form and correctness:

Gregory A. Huber
Gregory A. Huber, Director of Law
City of Medina, Ohio

BOARD OF TRUSTEES OF MONTVILLE TOWNSHIP, MEDINA COUNTY, OHIO

By: _____
Sally Albrecht, Trustee

By: _____
Ronald Bischof, Trustee

By: _____
Jeff Brandon, Trustee

Approved as to form and correctness:

Katharina Devanney, Attorney for Montville Township