

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1998-01

Passed FEBRUARY 17 1998

AN ORDINANCE AUTHORIZING THE MUNICIPAL MANAGER TO REQUEST A COUNTY-DESIGNATED LIMITED OHIO ENTERPRISE ZONE UNDER OHIO REVISED CODE SECTION 5709.632, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Enterprise Zone Act (the "Act"), Ohio Revised Code Sections 5709.61 through 5709.69, has authorized counties, with the consent and agreement of affected municipalities and townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the county; and

WHEREAS, the Council of the Municipality of Brookville (the "Council") upon due consideration desires to implement said Act and to designate an Enterprise Zone within the boundaries of the Municipality of Brookville (the "Municipality") to promote the economic welfare of the Municipality; and

WHEREAS, it is necessary for the Council to formally request from the County Commissioners of Montgomery County, Ohio, (the "Board") the inclusion of the Municipality in an Enterprise Zone proposal and to include such an ordinance in a petition to the Director of the Department of Development of the State of Ohio to certify the area described as such a zone; and

WHEREAS, the Council finds and determines that designation of the zone pursuant to the Ohio Revised Code 5709.632 will promote the economic welfare of the residents of the Municipality by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of the Municipality; and

WHEREAS, the Council understands that the Board of County Commissioners is required by law to administer all Enterprise Zones and agreements within the County and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in Ohio Revised Code Section 5709.85; 2) to ensure that the Enterprise Zone Agreements contain the

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information required in Ohio Revised Code Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and/or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted on real and/or personal property; 3) to forward copies of all Enterprise Zone Agreements to the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the Ohio Revised Code; 4) to notify affected Board(s) of Education of proposed projects a minimum of fourteen (14) days prior to formal local legislative consideration and to include comments by the Board(s) of Education as part of the review process as required under Ohio Revised Code Section 5709.83; 5) to maintain a centralized record of all aspects of the Zone, including copies of all agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement; and 6) to submit a comprehensive annual report of the status of all Enterprise Zone activities on or before March 31 of each year pursuant to Section 5709.68; and 7) if consent of the Brookville Local School District Board of Education to an abatement wherein the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions exceeds seventy-five percent (75%)(where the average percentage exempted for all years in which the agreement exceeds sixty percent (60%)) is required, to notify the Brookville Local School District Board of Education pursuant to Ohio Revised Code Section 5709.62(D)(1) not later than forty-five (45) days prior to approving the agreement excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Ohio Revised Code for the purpose of obtaining approval by the Brookville Local School District Board of Education of the agreement. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. Provision of this notice shall not be required if, at the time that notice of the abatement is otherwise required to be provided, the Brookville Local School District Board of Education has filed with the Board of County Commissioners an effective resolution waiving its rights to approve abatement agreements for this enterprise zone. If the Brookville Local School District Board of Education has adopted a resolution

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shortening the notification period and has certified a copy of the resolution to the Board of County Commissioners, then this notice shall be given within the time constraints approved by the Brookville Local School District Board of Education in its resolution; and 8) to not exempt any portion of a facility, as defined in Ohio Revised Code Section 5709.61(C), that is used primarily for making retail sales, as defined in 5709.61(T).

WHEREAS, the Council is requesting designation of an Enterprise Zone which includes all or part of the municipal corporation and meets the population and boundary requirements to be certified as an Enterprise Zone under Section 5709.632; and

WHEREAS, the Council requests from the Board of County Commissioners the power and duty to negotiate Enterprise Zone Agreements as permitted in Ohio Revised Code Section 5709.632, and that the Council agrees to negotiate agreements and to assist the Board of County Commissioners in the administration of the Enterprise Zone and will approve all agreements before submitting agreements to the Board of County Commissioners for approval; and

WHEREAS, the Council hereby agrees to the establishment of a Tax Incentive Review Council or Councils pursuant to Ohio Revised Code Section 5709.85 and will appoint two representatives to said Review Council within sixty days after the State Development Director certifies the Enterprise Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE:

SECTION I: All of the statements contained in the recital paragraphs above are incorporated herein by reference as part of this Ordinance.

SECTION II: The Council hereby authorizes Montgomery County and its Board of County Commissioners to include the portion of the Municipality of Brookville described in Exhibit A in the Enterprise Zone requested by this Ordinance.

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SECTION III: The Clerk of the Board of County Commissioner of Montgomery County, Ohio is hereby authorized to include this ordinance in the petition to the Director of the Department of the State of Ohio.

SECTION IV: This Ordinance is hereby declared to be an emergency measure to take effect immediately upon passage as provided by the Charter of the Municipality of Brookville to provide for the timely creation of an enterprise zone to assist the Municipality in retaining expansions of existing businesses and attracting new businesses to the Municipality that are currently deciding on the location of their new or expanded facility.

PASSED this 17th day of February, 1998.

ATTEST:


E. EUGENE ROESER, CLERK


THOMAS L. DAFLER, MAYOR

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 1998-01, passed by the Council of the Municipality of Brookville, Ohio, on the 17th day of February, 1998.


E. EUGENE ROESER, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1998-01 was posted at the Municipal Building, US Post Office and the Brookville National Bank, Brookville, Ohio, on the 19th day of February 1998, to the 20th day of March 1998, both days inclusive.


E. EUGENE ROESER, CLERK

*VILLAGE of
BROOKVILLE, OHIO*

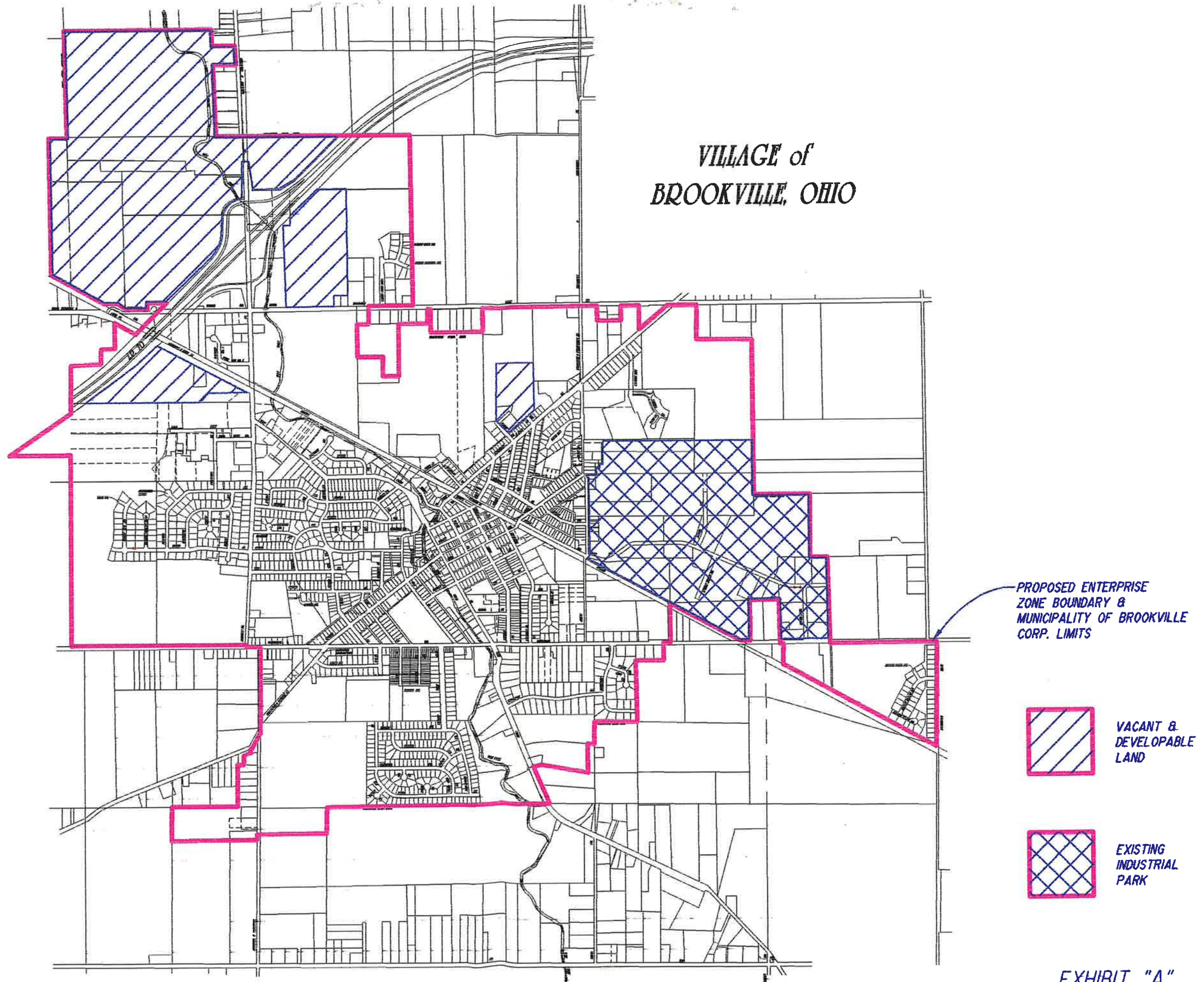


EXHIBIT "A"