

ORDINANCE NO. 70-14

AN ORDINANCE CONSENTING TO AN ENTERPRISE ZONE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF AVON, THE BOARD OF LORAIN COUNTY COMMISSIONERS L&W CLEVELAND, INC., A MICHIGAN CORPORATION, AND AVON PLANT, LLC, A MICHIGAN LIMITED LIABILITY COMPANY AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF AVON TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THIS ENTITY AND AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE ALONG WITH THE ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 44-94, the City of Avon requested that the Board of County Commissioners of Lorain County petition the Director of the Department of Development of the State of Ohio to certify a portion of the City of Avon described in the Exhibits to Ordinance No. 44-94 as Urban Jobs and Enterprise Zone (Rural); and

WHEREAS, on April 7, 1994, the Board of Lorain County Commissioners, by Resolution No. 94-260, petitioned the Director of Development of the State of Ohio to certify a portion of the City of Avon described in the Exhibits to Ordinance No. 44-94 of the City of Avon as a Urban Jobs and Enterprise Zone (Rural); and

WHEREAS, effective May 24, 1994, the Director of Development of the State of Ohio approved an amendment of the Urban Jobs and Enterprise Zone (Rural) and certified a portion of the City of Avon as described in the Exhibits to Ordinance No. 44-94 as an Urban Jobs and Enterprise Zone (Rural) under Section 5709.63 of the Ohio Revised Code; and

WHEREAS, L&W Cleveland, Inc., a Michigan corporation and Avon Plant, LLC, a Michigan Limited Liability Company, have submitted an Enterprise Zone Tax Abatement Proposal setting forth the outline of a plan to construct a 48,000 square feet building addition over a portion of their 23.5292 acres of land (hereinafter referred to as the "Project"), Permanent Parcel No. 04-00-021-000-167, within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said Project within the Urban Jobs and Enterprise Zone (Rural) in the City of Avon, to hire new employees, and preserve employment opportunities for existing employees in the City of Avon Enterprise Zone, and has requested that the City of Avon grant one or more tax abatement incentives as set forth in Section 5709.62 of the Ohio Revised Code in exchange for implementation of the aforementioned plan; and

WHEREAS, a Public Hearing was duly publicized according to law and was held on June 16, 2014, at 7:30 p.m.

Ordinance No. 70-14 (Con't.)

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the Mayor is hereby authorized and directed to execute, on behalf of the City of Avon, an Enterprise Zone Agreement with L&W Cleveland, Inc., a Michigan corporation and its wholly owned subsidiary, Avon Plant, LLC, a Michigan Limited Liability Company, in substantially the form as set forth in Exhibit A attached hereto and made a part hereof.

Section 2 - That the Clerk of Council is hereby directed to immediately transmit a certified copy of this Ordinance, along with the Enterprise Zone Agreement to the Board of Lorain County Commissioners for further consideration by the Board.

Section 3 - 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of Avon residents, for the purpose of consenting to an enterprise zone agreement with L&W Cleveland, Inc. and Avon Plant, LLC to make additional employment available and to preserve employment opportunities in the City of Avon; therefore, this ordinance is hereby declared to be an emergency and shall take effect and be in full force immediately upon its passage and approval by the Mayor.

Public Hearing: June 16, 2014 at 7:30 p.m.

PASSED: _____ DATE: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

Ordinance No. 70-14 (Con't.)

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director