

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022- __

By: _____ Sponsor: _____

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (“CRA”) AGREEMENT WITH NHG PROPERTIES, LLC. AND HANEY LANDSCAPING, LLC., AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance Nos. 94-60, 97-24, 2007-11, 2008-27 passed by this Council on June 21, 1994, and as amended by Ordinance Nos. 97-24, 2007-11, 2008-27 (collectively the “CRA Ordinance”), found and determined that the Community Reinvestment Area (the “Community Reinvestment Area”) designated in Ordinance No. 94-60 constitutes an area in which housing facilities or structures of historical significance are located and in which new construction and repair of existing facilities has been discouraged; and

WHEREAS, effective June 20, 1994, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance No. 94-60, June 21, 1994, and as amended by Ordinance Nos. 97-24, 2007-11, 2008-27, contains 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, NHG Properties, LLC. (NHG), the owner of Permanent Parcel Number 361-35-013, intends to construct a new approximately 9,777 square foot building at 899 Berea Industrial Parkway, Berea, Ohio 44017 (hereinafter also referred to as the “Site”); and

WHEREAS, said building is to be used by Haney Landscaping, LLC. (HL) as its main offices, warehouse, retail garden center and landscaping supply store, as well as to conduct business related activities (hereinafter also referred to as the “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 proposed use of the Site is beneficial to the community because it allows a strong, existing Berea business to expand its services to meet customer demand and create more job opportunities for the residents of Berea and the surrounding area. The Project will likely encourage similar development within the general area; and

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WHEREAS, the City having the appropriate authority for the Project is desirous of providing NHG and HL with incentives available for the development of the Project in the Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, upon completion of this Project, HL would retain four full-time equivalent, permanent jobs and create five additional full-time equivalent permanent jobs with an approximate additional total payroll of \$500,000 within thirty-six (36) months of receiving a final occupancy permit; and

WHEREAS, such development project qualifies for benefits associated with the City's duly adopted, as amended, Community Reinvestment Area program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That the Mayor is hereby authorized to enter into a Community Reinvestment Area ("CRA") Agreement with NHG and HL in substantially the form of Agreement attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. That due notice of such Agreement has been provided by the Mayor, or his designee, to the Olmsted Falls City School District and Polaris Vocational School District in accordance with current law and/or regulations, and that all other notices, requirements, application contents and/or reviews be otherwise completed and provided, as may be required or called for in said Agreement, or pursuant to law.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption 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 the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department and for the further reason that said Agreement must be in place before improvements on the property may begin, and the improvements are ready to immediately commence upon such approval, thereby enhancing business expansion and creating jobs. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

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PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

Director of Law