

# BEREA CITY COUNCIL

*City of Berea, Ohio*

ORDINANCE NO. 2025- \_\_

By: \_\_\_\_\_ Sponsor: Mayor Cyril M. Kleem

## AN ORDINANCE

### **AUTHORIZING THE PROVISION OF CERTAIN TAX EXEMPTIONS FOR THE PURPOSE OF ENCOURAGING ECONOMIC DEVELOPMENT WITHIN THE CITY; AUTHORIZING THE EXECUTION OF A MUNICIPAL INCOME TAX REIMBURSEMENT AGREEMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Ordinance 2025-17, passed by this Council on March 24, 2025, the City approved the execution and delivery of a Development Agreement (the “Development Agreement”) with Berea Mixed Use Project LLC (the “Developer”) for the development of a multi-purpose community field, hotel, sports medicine facility, multifamily apartments, restaurants, a parking garage and other mixed uses (the “Project”); and

**WHEREAS**, the City is committed to spurring the creation of new jobs and retention of existing jobs within the City; and

**WHEREAS**, in order to induce the Developer to undertake the Project, the Development Agreement provides for certain incentives including a 15-year, 100% municipal income tax reimbursement for work done, services performed or rendered or activities conducted within the area of the Project (the “Reimbursement”); and

**WHEREAS**, this Council has determined to provide for the execution and delivery of the Job Creation and Municipal Income Tax Reimbursement Agreement (the “Reimbursement Agreement”) with the Developer to provide for the Reimbursement; and

**WHEREAS**, an emergency exists in the usual daily operations of the City, that emergency being related to the need to pass this Ordinance as quickly as possible, in order to comply with the provisions of the Development Agreement which will result in the development of the Project and creation and retention of jobs, all of which improve the health, safety and welfare of the residents of the City;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, County of Cuyahoga, Ohio, that:

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**SECTION 1. Authorization of Reimbursement Agreement.** This Council confirms its prior determination that the Project is in the best interest of the City, that the Project will create and retain jobs in the City and furthers the health, safety and welfare of its residents, and has previously authorized the Development Agreement in furtherance thereof. The Mayor is hereby authorized, for and in the name of the City and on its behalf, to execute and deliver the Reimbursement Agreement which shall be and read substantially in the form on file with this Council, with such changes therein as are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor. The approval of such changes, and that such changes are not inconsistent with this ordinance and not substantially adverse to the City, shall be conclusively evidenced by the execution of the Reimbursement Agreement by the Mayor.

**SECTION 2. Further Authorizations.** This Council hereby authorizes and directs the Mayor, the Law Director, the Director of Finance, Director of Planning and Development or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

**SECTION 3. Open Meetings.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC 121.22.

**SECTION 4. Declaration of Emergency; Effective Date.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the timely development of the Project, wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:

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President of Council

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

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Mayor

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Director of Law