

ORDINANCE NO. 2010-45

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF AN AMENDMENT TO THE
CONTRACT CREATING THE LIBERTY TOWNSHIP
JOINT ECONOMIC DEVELOPMENT DISTRICT.**

WHEREAS, the City of Mason ("Mason"), the City of Middletown ("Middletown") and the Township of Liberty ("Liberty") previously entered into the Liberty Township Joint Economic Development District I Contract (the "JEDD I Contract") that created the Liberty Township Joint Economic Development District I (the "JEDD I District") for the purpose, *inter alia*, of facilitating economic development to create jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of Mason, Middletown and Liberty;

WHEREAS, pursuant to Section 30 of the JEDD I Contract, Mason, Middletown and Liberty, by unanimous consent, may amend the JEDD I Contract to add areas to the JEDD I District in conformance with Ohio Revised Code § 715.761;

WHEREAS, Yankee Development, LLC, owner of Butler County Parcel No. D2010017000099 (the "Property"), and T&J Kaiser Group, LLC d/b/a All About Kids Daycare, owner of the sole business located on the Property, have signed petitions approving the amendment of the JEDD I Contract to add the Property to the JEDD I District;

WHEREAS, Mason, Middletown and Liberty desire to amend the JEDD I Contract to add the Property to the JEDD I District; and

WHEREAS, Mason, Middletown and Liberty have negotiated an Amendment to the JEDD I Contract (the "Amendment"); and

WHEREAS, pursuant to Ohio Revised Code Section 715.75, this Council published notice of the time and place of a public hearing regarding the Amendment at least thirty days prior to that hearing; and

WHEREAS, since publication of that notice, there has been on file with the Clerk of this Council: (1) a copy of the proposed Amendment, (2) a description of the area or areas to be included in the JEDD I District by the Amendment, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas, and (3) an economic development plan for the joint economic development district with a schedule for the new, expanded, or additional services, facilities, or improvements as prescribed in Ohio Revised Code Section 715.74(A) and a schedule for the collection of an income tax to be levied pursuant to Ohio Revised Code Section 715.74(C); and

WHEREAS, this Council has held the public hearing regarding the proposed Amendment that allowed public comment and recommendations on the proposed Amendment and the JEDD I District as amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, five members concurring, that:

Section 1. This Council finds and determines that the amendment of JEDD I District by the Amendment will facilitate economic development to create and preserve jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of Mason, Middletown and Liberty. This Council approves and ratifies the economic development plan now on file with the Clerk of this Council. This Council further finds and determines that the City has not entered into a separate contract for utility services with either Middletown or Liberty.

Section 2. This Council approves the Amendment in the form now on file with the Clerk of this Council. This Council finds and determines that the form now on file with the Clerk of this Council has not materially changed from the form that has been on file with the Clerk of this Council since the publication of the notice of the public hearing regarding the Amendment. The City Manager is authorized to execute and deliver the Amendment with such changes that are not materially adverse to the interest of the City, are consistent with this ordinance, and are approved by this Council. The City Manager's execution and delivery of the Amendment shall be conclusive evidence that the Council approved any changes in the Amendment, and any such changes are not materially adverse to the interests of Mason.

Section 3. This Council finds and determines that Mason's approval, execution and delivery of the Amendment are done freely and without duress or coercion.

Section 4. The City Manager and the appropriate officers of Mason are authorized and directed to, jointly with Middletown and Liberty, file with the Boards of County Commissioners of the County of Butler, Ohio and the County of Warren, Ohio, those documents prescribed by Ohio Revised Code Section 715.76. The City Manager and the appropriate officers of Mason are authorized to execute and deliver such instruments and certificates necessary to effect the amendment of the JEDD District I by the Amendment.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 26th day of April, 2010

Attest:



Clerk of Council



Mayor