



ORDINANCE 2022-07 OF THE VILLAGE OF ASHVILLE



AN ORDINANCE APPROVING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF ASHVILLE AND EXEL INC., A MASSACHUSETTS CORPORATION, , D/B/A DHL SUPPLY CHAIN (USA), EXECUTION OF A SCHOOL COMPENSATION AGREEMENT WITH TEAYS VALLEY LOCAL SCHOOL DISTRICT AND EXEL INC., REPEALING RESOLUTION 06-2018 ADOPTED JULY 23, 2018 AND TERMINATING THE RELATED AGREEMENTS AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Ashville, Ohio (the "Village") has encouraged the development of commercial and industrial structures within its boundaries, which development would result in the creation and retention of employment opportunities in the Village; and

WHEREAS, to encourage that redevelopment, the Village, pursuant to Ordinance 2022-07, adopted by the Village Council of the Village (the "Council") on May 2, 2022] (the "CRA Ordinance"), established the area specified in the CRA Ordinance as the Ashville Community Reinvestment Area (the "CRA") under the authority of Ohio Revised Code ("R.C.") Sections 3735.65 through 3735.70 (the "CRA Act"); and

WHEREAS, pursuant to the CRA Ordinance and the CRA Act, the Village and Exel Inc., a Massachusetts corporation, d/b/a DHL Supply Chain (USA) (the "Company") desire to execute a Community Reinvestment Area Agreement (the "CRA Agreement," substantially in the form on file with the Village Administrator and incorporated herein by reference) in connection with the Company's constructing distribution, warehousing, logistics, packaging and other commercial operations facilities over multiple phases together with related site improvements (the "Project," as further described in the CRA Agreement) on certain land owned or to be owned by the Company in the Village, as identified by the County Auditor of Pickaway County, Ohio as having tax parcel identification numbers D1300050002100, D1300270004200 and D1300350000100 (the "Project Site") and located within the jurisdiction of the Teays Valley Local School District (the "School District") and Eastland-Fairfield Career and Technical Schools (the "JVSD"), which Project Site is further described in Exhibit B to the CRA Agreement; and

WHEREAS, this Council on July 23, 2018, adopted Resolution 06-2018 (the "EZ Resolution") authorizing an Enterprise Zone Agreement with Prairie Acres LLC (the "EZ Agreement") for a portion of the Project Site that includes approximately 40.426 acres of land that will be included in the Project Site; and

Prepared: 03/18/2022
Revised Date: 05/18/2022
Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 24th day of May 2022, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)



WHEREAS, ON OR ABOUT JULY 23, 2018, PRAIRIE ACRES, LLC AND THE VILLAGE ENTERED INTO THE EZ AGREEMENT, AND ON OCTOBER 22, 2018, PRAIRIE ACRES, LLC, THE VILLAGE AND THE SCHOOL DISTRICT ENTERED INTO A COMPENSATION AGREEMENT (THE "PRIOR COMPENSATION AGREEMENT").

WHEREAS, the CRA Agreement will provide the Company a fifteen (15) year, 100% real property tax exemption for the assessed value of new structures constructed at the Project Site and a fifteen (15) year, 100% real property tax exemption for the increase in assessed value attributable to remodeling at the Project Site (the "CRA Exemption"); and

WHEREAS, pursuant to R.C. Sections 3735.671 and 5709.82, the School District and the Company have entered or will enter into a School Compensation Agreement, the form of which is on file with the Village Administrator, and the School District has approved or will approve the execution of the CRA Agreement and waiver of the School District's right to income tax set forth in R.C. Section 5709.82; and

WHEREAS, the Village has provided notice of the CRA Agreement to the Board of Educations of the School District and the JVSD in accordance with R.C. Sections 3735.671 and 5709.83; and

WHEREAS, the Village will join in the School Compensation Agreement with respect to the School District's waiver of its right to income tax set forth in R.C. Section 5709.82; and

WHEREAS, the Company and the Village desire to execute the CRA Agreement to provide for the successful development of the Project Site, which development will create and preserve employment opportunities in the Village and will benefit the citizens of the Village; and

WHEREAS, the Company, the School, and the Village will negotiate in good faith to enter into a Pickaway County Port Authority financing structure (the "Port Financing"); and

WHEREAS, an emergency exists in the usual daily operations of the Village in that it is immediately necessary to approve this Ordinance for the preservation of the public peace, property, health, safety, and welfare, that preservation being related to the need to proceed with the Project immediately, which will directly benefit the Project Site.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF ASHVILLE COUNCIL, COUNTY OF PICKAWAY, STATE OF OHIO THAT:

SECTION I

Subject to Section 2 of this Ordinance, the CRA Agreement among the Village and the Company, substantially in the form on file with the Village Administrator, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the Village as determined by the Mayor. The Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to execute the CRA Agreement and any amendments thereto deemed by the Mayor to be necessary. The approval of changes or amendments by the Mayor, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being substantially adverse to the Village, shall be evidenced conclusively by the execution of the CRA Agreement by the Village Administrator and Fiscal Officer.

SECTION II

This approval shall not be effective, and the Mayor and Village Administrator shall not be authorized to proceed under Section 1 of this Ordinance, unless and until the Director of Development for the State of Ohio confirms the CRA as a "Community Reinvestment Area." Thereafter, this approval shall be effective without further action and the Mayor and Village Administrator shall be authorized to proceed under Section 1 of this Ordinance on the later of (i) the date of such confirmation, and (ii) the effective date of this Ordinance, pursuant to Section 6 of this Ordinance.

SECTION III

The School Compensation Agreement among the Village, the Company, and the School District, substantially in the form on file with the Village Administrator, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Ordinance and not substantially adverse to the Village as determined by the Mayor. The Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to execute the School Compensation Agreement and any amendments thereto deemed by the Mayor to be necessary. The approval of changes or amendments by the Mayor, and the character of the changes or amendments as not being inconsistent with this Ordinance and not being substantially adverse to the Village, shall be evidenced conclusively by the execution of the School Compensation Agreement by the Village Administrator and Fiscal Officer.

SECTION IV

The EZ Resolution is hereby repealed. The Village Administrator and Fiscal Officer, for and in the name of the Village, is hereby authorized to terminate the EZ Agreement and the Prior Compensation Agreement.

SECTION V

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the Village that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

SECTION VI


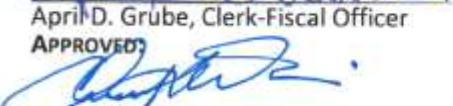
This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of this Village and for the other reasons set forth in the preamble to this Ordinance is required to be immediately effective to allow for the construction of the Project, which is necessary to provide for development within the Village.

Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Offered by: Nelson R. Embrey
Seconded to the Motion Offered by: Roger L. Clark

Upon roll call on the adoption of the ordinance, the vote was as follow:

Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No Council Member Yes No
Roger L. Clark Nelson R. Embrey Randy S. Loveless R. David Rainey Matt Scholl Steve Welsh

PASSED THIS 24TH DAY OF MAY, 2022
ATTEST:

April D. Grube, Clerk-Fiscal Officer
APPROVED:

Charles K. Wise, Mayor

DATE: 5/25/2022

DATE: 25 MAY 2022