



ORDINANCE 2023-02

OF THE VILLAGE OF ASHVILLE



AN ORDINANCE APPROVING AMENDMENTS TO THE AGREEMENT TO CREATE THE NORTHERN PICKAWAY COUNTY JOINT ECONOMIC DEVELOPMENT DISTRICT, AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT, APPROVING AMENDMENTS TO THE HARRISON TOWNSHIP ANNEXATION MORATORIUM AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 715 (the “Act”) empowers certain political subdivisions to form joint economic development districts to share in the costs of improvements for economic development purposes; and

WHEREAS, pursuant to the Act and Ordinance No. 2006-10, passed by the Village Council (the “Council”) on June 19, 2006, the Village of Ashville, Pickaway County, Ohio (the “Village”) is party to the Northern Pickaway County Joint Economic Development District Agreement dated August 30, 2007 (the “Agreement”) by and between the Village, Harrison Township, Pickaway County, Ohio (the “Township”), and the City of Columbus (the “City”), which Agreement creates and provides for the operation of a joint economic development district (the “District”) known as the Northern Pickaway County Joint Economic Development District; and

WHEREAS, pursuant to Ohio Revised Section 715.72(L), the Village, the Township, and the City now desire to amend the Agreement to add certain additional real property identified by the County Auditor of Pickaway County, Ohio, by Permanent Parcel Numbers D12-0-003-00-271-00, D12-0-003-00-272-00, D12-0-003-00-273-00, D12-0-003-00-274-00, D12-0-003-00-275-00, D12-0-003-00-276-00, D12-0-003-00-277-00, D12-0-003-00-269-04, D12-0-003-00-268-00, D12-0-003-00-267-00, D12-0-003-00-267-01, D12-0-003-00-271-04, D12-0-003-00-271-01, D12-0-003-00-271-06, D12-0-003-00-271-07, D12-0-003-00-271-02, and D12-0-003-00-271-05 (the “Coyne Additional Property”) to the territory of the District and, to that end, have negotiated an amendment to the Agreement (the “Coyne JEDD Amendment”), a form of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to Ohio Revised Section 715.72(L), the Village, the Township, and the City now desire to further amend the Agreement to add certain additional real property identified by the County Auditor of Pickaway County, Ohio, by Permanent Parcel Number D12-0-003-00-217-00 (the “Van Trust Additional Property”) to the territory of the District and, to that end, have negotiated an amendment to the Agreement (the “Van Trust JEDD Amendment”), a form of which is attached hereto as Exhibit B; and

WHEREAS, the Village, the Township, and the City now desire to amend the Agreement to simultaneously add the Coyne Additional Property and the Van Trust Additional Property to the territory of the District by jointly approving both the Coyne JEDD Amendment and the Van Trust JEDD Amendment (together, the “JEDD Amendments”); and

WHEREAS, Coyne Real Estate LLC (“Coyne”) and VTRE Development, LLC (“VTRE”), and other developers as the case may be, desire to develop parcels of land for commercial purposes (the “Project”) at sites within the boundaries of the Township, provided that the appropriate economic development incentives are available to support the economic viability of such Projects; and

WHEREAS, pursuant to Ohio Revised Code Section 715.72, the Village conducted a public hearing regarding the JEDD Amendments on February 27, 2023, with appropriate public notice, and made available for public examination all documents required by law for review; and


Prepared: 01/21/2023
Revised Date:
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 20th day of March 2023, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)



WHEREAS, the Village, the Township, and the City further desire to amend the Harrison Township Annexation Moratorium Agreement (the “Original AMA”) effective August 30, 2007, as amended by prior amendments to the Original AMA, to confirm that both the Coyne Additional Property and the Van Trust Additional Property are included in the Original AMA and, to that end, have negotiated an amendment to the Original AMA that includes the Coyne Additional Property (the “Coyne AMA Amendment”) and an amendment to the Original AMA that includes the Van Trust Additional Property (the “Van Trust AMA Amendment,” which together with the Coyne AMA Amendment constitutes the “AMA Amendments”), forms of which are attached hereto as Exhibit C and Exhibit D, respectively; and

WHEREAS, it is immediately necessary that the Agreement and the Original AMA be amended so that Coyne and VTRE can proceed with Projects as promptly as possible in order to begin work on such Projects and minimize the impact of inclement weather on such Projects; and

WHEREAS, the Board of County Commissioners for the County of Pickaway, where the District is located, has been provided with copies of the JEDD Amendment.

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

SECTION ONE

The Council approves the JEDD Amendments in substantially the forms attached to this Ordinance as Exhibit A and Exhibit B, and authorizes the Mayor to sign the JEDD Amendments. The Mayor and the Clerk of Council are jointly authorized to execute and deliver any other agreements, documents or certificates, and take all other actions, necessary to accomplish the purposes of this Ordinance; provided that the JEDD Amendments shall only be effective upon receipt by the District of written confirmation by Coyne that no electors reside within the Coyne Additional Property and written confirmation from VTRE that no electors reside within the Van Trust Additional Property.

SECTION TWO

The Council approves the AMA Amendments in substantially the forms attached to this Ordinance as Exhibit C and Exhibit D, and authorizes the Mayor to sign the AMA Amendments. The Mayor and the Clerk of Council are jointly authorized to execute and deliver any other agreements, documents or certificates, and take all other actions, necessary to accomplish the purposes of this Ordinance; provided that the JEDD Amendments shall only be effective upon receipt by the District of written confirmation by Coyne that no electors reside within the Coyne Additional Property and written confirmation from VTRE that no electors reside within the Van Trust Additional Property.

SECTION THREE

Upon approval of the JEDD Amendments by the Village, the Township and the City, the Clerk of Council shall, jointly with the Township and the City, submit to the Board of County Commissioners of Pickaway County (i) a signed copy of the JEDD Amendments, including their exhibits; (ii) certified copies of this Ordinance, the Township’s Resolution approving the JEDD Amendments, and the City’s Ordinance approving the JEDD Amendments; (iii) certificates from the Township, the City, and the Village that the public hearings required by Ohio Revised Code Section 715.72 have been held, which certificates shall include the dates of the hearings and evidence of publication of the notice of the hearings; (iv) a copy of the petitions signed by the majority of owners of property located in the Coyne Additional Property and the Van Trust Additional Property; and (v) a copy of the petitions signed by the majority of owners of businesses located in the Coyne Additional Property and the Van Trust Additional Property.

SECTION FOUR

The Clerk of Council shall retain on file a copy of the JEDD Amendments and their exhibits, including (i) the depictions and identification of the parcel(s) constituting the Coyne Additional Property and the Van Trust Additional Property; and (ii) Ohio Revised Code Section 715.72 as effective on the date of the executed JEDD Amendments, provided that Coyne and VTRE have delivered to the District the written confirmation described in Section 1 of this Ordinance.

SECTION FIVE

This Council hereby finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions occurred in meetings open to the public, in compliance with law, including Ohio Revised Code Section 121.22.

SECTION SIX

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of Village residents, for the purpose timely amending the Agreement in order to support economic development and in order to begin work on the Project and minimize the impact of inclement weather on the Project improvements at the Coyne Additional Property and the Van Trust Additional Property that will help create jobs and preserve the peace, health and safety; 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 shall be effective at the earliest date allowed by law.

Therefore, this ordinance will take effect upon passage.

Offered by: Roger L. Clark
Seconded to the Motion Offered by: R. David Rainey

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
Roger L. Clark Colton Henson Randy S. Loveless R. David Rainey Matt Scholl Steve Welsh

ADOPTED THIS 20th DAY OF MARCH, 2023
EFFECTIVE THIS 20th DAY OF MARCH, 2023

ATTEST:


April D. Grube, Clerk-Fiscal Officer

DATE: 3/21/2023

APPROVED:


Nelson R. Embrey II, Mayor

DATE: 3/22/2023

Approved as to form:

Law Director - Solicitor


AUTHENTICATION

This is to certify that this Ordinance was duly adopted and filed with the Clerk of Council of the Village of Ashville, this 20th day of March 2023.


Clerk of Council

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Village Council of the Village of Ashville, Pickaway County, Ohio.


Clerk of Council

Dated: March 21, 2023

COYNE JEDD AMENDMENT
(attached hereto)

VAN TRUST JEDD AMENDMENT
(attached hereto)

COYNE AMA AMENDMENT
(attached hereto)

VAN TRUST AMA AMENDMENT
(attached hereto)