



# ORDINANCE 2023-03

## OF THE VILLAGE OF ASHVILLE



AN ORDINANCE APPROVING AMENDMENTS TO THE AGREEMENT TO CREATE THE MADISON TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT, AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL PROPERTY WITHIN SAID DISTRICT, APPROVING AMENDMENTS TO THE MADISON 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. 2007-04, passed by the Village Council (the "Council") on May 21, 2007, the Village of Ashville, Pickaway County, Ohio (the "Village") is party to the Madison Township Joint Economic Development District Agreement dated June 30, 2010 (the "Agreement") by and between the Village, Madison 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 Madison Township 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 F16-0-001-00-012-05, F16-0-001-00-012-02, F16-0-001-00-012-03, F16-0-001-00-012-04, F16-0-001-00-012-01, and F16-0-001-00-013-00, and F16-0-001-00-013-01 (the "Northpoint Additional Property") to the territory of the District and, to that end, have negotiated an amendment to the Agreement (the "Northpoint 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 Numbers F16-0-001-00-060-01 and F16-0-001-00-059-00 (the "CT Realty Additional Property") to the territory of the District and, to that end, have negotiated an amendment to the Agreement (the "CT Realty 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 Northpoint Additional Property and the CT Realty Additional Property to the territory of the District by jointly approving both the Northpoint JEDD Amendment and the CT Realty JEDD Amendment (together, the "JEDD Amendments"); and

WHEREAS, Northpoint Development, LLC ("Northpoint") and CT Realty Group, LLC ("CT Realty"), 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 15<sup>th</sup> 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 Madison Township Annexation Moratorium Agreement (the "Original AMA") effective June 30, 2010, as amended by prior amendments to the Original AMA, to confirm that both the Northpoint Additional Property and the CT Realty Additional Property are included in the Original AMA and, to that end, have negotiated an amendment to the Original AMA that includes the Northpoint Additional Property (the "Northpoint AMA Amendment") and an amendment to the Original AMA that includes the CT Realty Additional Property (the "CT Realty AMA Amendment," which together with the Northpoint AMA Amendment constitute 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 Northpoint and CT Realty 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 Amendments.

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 Northpoint that no electors reside within the Northpoint Additional Property and written confirmation from CT Realty that no electors reside within the CT Realty 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 Northpoint that no electors reside within the Northpoint Additional Property and written confirmation from CT Realty that no electors reside within the CT Realty 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 Northpoint Additional Property and the CT Realty Additional Property; and (v) a copy of the petitions signed by the majority of owners of businesses located in the Northpoint Additional Property and the CT Realty 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 Northpoint Additional Property and the CT Realty Additional Property; and (ii) Ohio Revised Code Section 715.72 as effective on the date of the executed JEDD Amendments, provided that Northpoint and CT Realty 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 Northpoint Additional Property and the CT Realty 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:

Seconded to the Motion Offered by:

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

Roger L. Clark	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Vacant	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Randy S. Loveless	Yes <input type="checkbox"/>	No <input type="checkbox"/>	R. David Rainev	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Matt Scholl	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Steve Welsh	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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ADOPTED THIS 15<sup>th</sup> DAY OF MARCH, 2023  
EFFECTIVE THIS 15<sup>th</sup> DAY OF MARCH, 2023

**ATTEST:**

\_\_\_\_\_  
April D. Grube, Clerk-Fiscal Officer

DATE: \_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
Nelson R. Embrey II, Mayor

DATE: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Law Director

**AUTHENTICATION**

This is to certify that this Ordinance was duly adopted and filed with the Clerk of Council of the Village of Ashville, this 15<sup>th</sup> 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 15, 2023

**NORTHPOINT JEDD AMENDMENT**  
(attached hereto)

**CT REALTY JEDD AMENDMENT**  
(attached hereto)

**NORTHPOINT AMA AMENDMENT**  
(attached hereto)

**CT REALTY AMA AMENDMENT**  
(attached hereto)