



Prepared: 11/28/2018  
Revised: 12/06/2018  
Introduced: 12/10/2018  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-50-2018

### A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A DEVELOPMENT AND SUPPLY AGREEMENT, BOTH WITH MONTAUK INNOVATIONS LLC, AND MAKING RELATED AUTHORIZATIONS

**WHEREAS**, the Council of the City, by its Resolution No. R-17-09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-12 adopted October 2, 2012, No. R-26-13 adopted August 6, 2013, No. R-72-14 adopted September 16, 2014, No. R-49-2015 adopted November 17, 2015, No. R-45-16 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-2018 adopted July 17, 2018, and No. R-41-2018 adopted November 6, 2018 (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation") amended the designation of the Original Area to include certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area, and the Director of Development of the State of Ohio (predecessor to the Ohio Development Services Agency) and the Ohio Development Services Agency have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

**WHEREAS**, Montauk Innovations LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application") and has remitted with the Agreement Application the required State application fee of to be forwarded to the Ohio Development Services Agency with a copy of the final CRA Agreement; and

**WHEREAS**, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Agreement Application and has recommended the same to this City Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Area and improve the economic climate of the City; and

**WHEREAS**, the City, having the appropriate legal authority, desires to provide certain property tax incentives to encourage the development the Project (as defined in the CRA Agreement and the Development and Supply Agreement, both referenced herein); and

**WHEREAS**, a portion of the Project Site (as defined in the CRA Agreement) is located in the Licking County Joint Vocational School District, the Eastland-Fairfield Career and Technical Schools District, the New Albany-Plain Township School District, and the Licking Heights Local School District (collectively, the "School Districts"), and the City has provided to the Board of Education of each School District the notice of the CRA

Agreement as required by Section 5709.83 of the Revised Code and/or those Boards of Education have waived their right to receive notice under Section 5709.83 of the Revised Code and approved the CRA Agreement; and

**WHEREAS**, to further support and facilitate the Project the City desires enter into a Development and Supply Agreement with the Company addressing the provision of water and sewer services to the Project; and

**NOW, THEREFORE, BE IT RESOLVED** by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

**Section 1.** Community Reinvestment Area Agreement. The CRA Agreement in support of the Project and by and between the City and the Company, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that CRA Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that CRA Agreement.

**Section 2.** Development and Supply Agreement. The Development and Supply Agreement in support of the Project and by and between the City and the Company, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that Development and Supply Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that Development and Supply Agreement.

**Section 3.** Expansion of the Oak Grove II Economic Opportunity Zone. This Council hereby authorizes the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or any such other appropriate officers of the City to take all action necessary, including but not limited to the preparation, execution and approval of all agreements and instruments, and any other actions as may be appropriate to expand the Oak Grove II Economic Opportunity Zone in a manner consistent with the expansion of the Oak Grove II Community Reinvestment Area, all as contemplated by this Council in its Resolution No. R-41-2018 adopted November 6, 2018.

**Section 4.** Further Authorizations. This Council hereby further authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or and such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including but not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution, the Community Reinvestment Area Agreement, and the Development and Supply Agreement authorized and approved in this Ordinance.

**Section 5.** Compliance with the Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Resolution were taken in

an open meeting of this Council and any of its committees, and that all deliberations of this Council an any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

**Section 6.** Effective Date. Pursuant to Article 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

\_\_\_\_\_  
Mitchell H. Banchefsky  
Law Director

**CERTIFICATION BY CLERK OF COUNCIL  
OF PUBLICATION OF LEGISLATION**

I certify that copies of Ordinance R-50-2018 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jennifer Mason, Clerk of Council

\_\_\_\_\_  
Date