

8/14/13
(Special Meeting)

L-189-13 vaz

ORDINANCE NO. 189-13

BY: **SCOTT TUMA**
(By Request – Mayor)

AN ORDINANCE ACCEPTING A CONVEYANCE OF PARCELS OF REAL PROPERTY FROM THE OWNER AND PROSPECTIVE DEVELOPER AND APPROVING A RECONVEYANCE TO SUCH OWNER AND DEVELOPER AS PROVIDED BY SECTION 5709.41(B) OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.41 through 5709.43 (the “TIF Statutes”) provide that the City Council (the “Council”) of the City of Parma (the “City”) may (i) declare “improvements,” as defined in Ohio Revised Code Section 5709.41, to parcels located within the City to be a public purpose, thereby authorizing the exemption of those improvements from real property taxation for a period of time, (ii) provide for the making of service payments in lieu of taxes by the owners of such parcels with respect to the improvements, and (iii) establish an urban redevelopment tax increment equivalent fund into which such service payments shall be deposited; and,

WHEREAS, the City is engaged in urban redevelopment, as contemplated by Ohio Revised Code Section 5709.41; and,

WHEREAS, Parmatown Station LLC (the “Owner”) owns certain parcels of real property, described on Exhibit A attached hereto (the “Parcels”), which the Owner intends to develop and redevelop; and,

WHEREAS, in order to take the actions described in the first clause of this Ordinance, the City must hold title to the Parcels prior to the adoption of the tax increment financing ordinance, pursuant to Ohio Revised Code Section 5709.41(B); and

WHEREAS, the City wishes to accept conveyance of the Parcels from the Owner and to reconvey such Parcels to said Owner; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interest of the City to accept such conveyance and to reconvey the Parcels as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That pursuant to and in accordance with the provisions of the TIF Statutes, including Ohio Revised Code Section 5709.41(B), this Council hereby authorizes the acceptance of the conveyance of the Parcels to the City and approves the reconveyance of these Parcels to the Owner.

Section 2. That the Mayor is hereby authorized and directed, acting on behalf of the City, to accept the conveyance of the Parcels and to execute and deliver a quit claim deed reconveying the Parcels to the Owner.

Pg. 2 of L-189-13 Ord. accepting a conveyance of parcels of real property from the owner and prospective developer and approving a reconveyance to such owner and developer as provided by Section 5709.41(B) of the Ohio Revised Code, and declaring an emergency

Section 3. That the Mayor, City Auditor, Law Director, or any other officials of the City, as appropriate, are authorized and directed to sign any other documents, instruments or certificates and take such actions as are necessary or appropriate to consummate or implement the actions described in or contemplated by this Ordinance.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order for the developer to move forward in a timely manner, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL

FILED WITH
THE MAYOR: _____
MAYOR, CITY OF PARMA, OHIO

EXHIBIT A

DESCRIPTION OF THE PARCELS

<u>Parcel No.</u>	<u>Property Owner's Name</u>
449-25-001	Parmatown Station LLC
449-26-001	Parmatown Station LLC
449-27-002	Parmatown Station LLC
449-27-005	Parmatown Station LLC