

ORDINANCE NO. 2009- 76

AN ORDINANCE AMENDING ORDINANCE NO. 2005-34, ENTITLED “ AN ORDINANCE PROVIDING FOR APPROVAL OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY”; AS AMENDED BY ORDINANCE NO. 2007-15, PASSED FEBRUARY 7, 2007 SO AS TO APPROVE AMENDMENT NO. 2 OF THE BRIMFIELD-KENT JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING AN EMERGENCY.

WHEREAS, previously, the City of Kent passed Ordinance No. 2005-34 on April 20, 2005, so as to entering into a Brimfield-Kent Joint Economic District Contract with the Township of Brimfield, in accordance with Sections 715.72 to 715.83 of the Revised Code for their mutual benefit; and

WHEREAS, the City of Kent passed Ordinance No. 2007-15 on February 7, 2007, to approve Amendment No. 1, redefining the boundaries of the JEDD agreement; and

WHEREAS, the City and Township desire to amend the Contract to further redefine the boundaries of the JEDD agreement; and

WHEREAS, time is of the essence.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. This Council finds and determines that (i) this Council held a public hearing concerning the Contract at 7:20 p.m. on July 15, 2009, in accordance with Section 715.75 of the Revised Code, (ii) 30 days' public notice of the time and place of that public hearing was provided in the *Record-Courier*, a newspaper of general circulation in the City, (iii) during the 30-day period prior to that public hearing, a copy of the text of Amendment No. 2 together with a description of the area or areas to be included in the District (including a map), , in accordance with Section 715.75(C) of the Revised Code, were on file for public examination in the office of the Clerk of Council, (iv) public comment and recommendations on the proposed Contract were made pursuant to the public hearing, and (v) the Contract is on file with the Clerk of Council.

SECTION 2. This Council approves Amendment No. 2 now on file with the Clerk of Council and authorizes the City Manager and the Director of Law to sign Amendment No. 2.

SECTION 3. A copy of the text of Amendment No. 2 and other documents referred to in Section 1 shall remain on file in the office of the Clerk of Council.

SECTION 4. The City Manager is authorized, on behalf of the City, to file or cause to be filed, jointly with the Township, with the legislative authority of the County, (i) a signed copy of Amendment No. 2, (ii) a description of the area or areas to be included in the District, including a map, (iii) a certified copy of this Ordinance, (iv) a signed certificate of the City that the public hearing has been held, the date of such hearing and evidence of the publication of the notice of such hearing, (v) a petition signed by a majority of the owners of the property located within the area or areas to be included in the District and (vi), a petition signed by a majority of the owners of businesses located within the area or areas to be included in the District.

SECTION 5. The City Manager, the Director of Law, the City Manager and other City officials, as appropriate, are each authorized to take such actions, or to cause such actions to be taken, on behalf of the City, including signing agreements or other instruments contemplated by Amendment No. 2 or deemed necessary or appropriate by the Director of Law, in order to achieve approval of Amendment No. 2 within the Township and to accomplish the purposes of this Ordinance and Amendment No. 2.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 of Section 121.22 of the Ohio.

SECTION 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City and for the further reason that the immediate effectiveness of this Ordinance is required to provide for the filing of this Ordinance in a timely manner with the County so that the approval of Amendment No. 2 may be achieved and Amendment No. 2 goes into effect as soon as possible in order to achieve economic development and other benefits for the residents of the Township, the City and the State; for which reasons and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 07/15/09
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009-76 was duly enacted on this 15 day of July, 2009, by the Council of the City of Kent, Ohio.

Clerk of Council