

RECORD OF RESOLUTIONS

Resolution No: 24-068

Passed on: October 21, 2024

RESOLUTION 24-068 APPROVING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE VILLAGE OF WEST JEFFERSON, OHIO AND COLUMBUS LOGISTICS PARK WEST BUILDING II, LLC; AND PROVIDING RELATED AUTHORIZATIONS.

WHEREAS, this council (the "Council") of the Village of West Jefferson, Ohio (the "Village") has, by its Resolution No. 07-028, adopted on May 21, 2007 (as amended and in effect from time to time, the "CRA Resolution"), established the West Jefferson Northern Community Reinvestment Area (the "CRA"); and

WHEREAS, the Village has, by its Resolution Nos. 13-052 and 15-045, adopted by this Council on June 17, 2013 and August 3, 2015, respectively, expanded the CRA (the "Amended Area") under the authority of the CRA Act; and

WHEREAS, this Village Council has, by its Resolution Nos. 18-081 and 19-046, adopted by the Village Council on November 5, 2018 and May 6, 2019, respectively, further expanded the CRA (together with the Amended Area, the "Expanded CRA Area"); and

WHEREAS, this Council has previously approved two separate CRA agreements covering two previously proposed phases of an interconnected project to establish a commerce center, including, but not limited to, distribution warehouse buildings together with related site improvements (collectively, the "Original Project") proposed by Columbus Logistics Park West Land, LLC (the "Original Developer"); and

WHEREAS, pursuant to Village Resolution No. 22-021, passed by this Council on February 21, 2022, the Village entered into a "Phase 1 CRA Agreement" with the Original Developer, effective March 10, 2022, to cover "phase 1" of the proposed Original Project as depicted in the attached Exhibit A, incorporated by reference; and

WHEREAS, pursuant to Village Resolution No. 22-085 passed by this Council on October 17, 2022, the Village entered into a "Phase 2 CRA Agreement" with the Original Developer, effective November 7, 2024, to cover "phase 2 of the proposed Original Project as depicted in the attached Exhibit A; and

WHEREAS, the Village and the successors in interest to the Original Developer have concluded that it is in the best interests of the parties to have the Original Project governed by three separate agreements that separately cover each of the three proposed buildings that comprise the entirety of the Original Project;

WHEREAS, pursuant to authority granted in Village Resolution 22-021, the Village Mayor, on behalf of the Village, has executed, or will execute an amended Phase 1 CRA Agreement (as amended, the "CLPW Building 1 CRA Agreement") between the Village and Columbus Logistics Park West Building I, LLC and this Council desires to ratify such execution and delivery of the CLPW Building 1 CRA Agreement; and

WHEREAS, pursuant to authority granted in Village Resolution 22-085, the Village Mayor, on behalf of the Village, has executed, or will execute, an amended Phase 2 CRA Agreement (as amended, the "CLPW Building 3 CRA Agreement") between the Village and Columbus Logistics Park West Building III, LLC and this Council desires to ratify such execution and delivery of the CLPW Building 3 CRA Agreement; and

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WHEREAS, pursuant to the CRA Resolution and the CRA Act, the Village and Columbus Logistics Park West Building II, LLC (the "Building 2 Developer") desire to execute a new Community Reinvestment Area Agreement (the "CLPW Building 2 Agreement") in connection with the development of "building 2" of the Original Project, which contains the part of the Original Project not otherwise covered by the CLPW Building 1 CRA Agreement, nor covered by the CLPW Building 3 CRA Agreement, and is located within the Village and the Expanded CRA (the "CLPW Building 2 Project Site") as further described and depicted in Exhibit B, attached hereto and incorporated by reference; and

WHEREAS, the CLPW Building 2 CRA Agreement will provide the Project Site with a fifteen (15) year, 100% real property tax exemption for the assessed value of the new structure constructed at the CLPW Building 2 Project Site and any increases in assessed value attributable to remodeling of the new structure, both as further described in the CLPW Building 2 CRA Agreement; and

WHEREAS, the CLPW Building 2 Project Site is located in the Jefferson Local School District (the "School District") and the Village has delivered notice of the proposed approval of the CLPW Building 2 CRA Agreement to the Board of Education of the School District pursuant to Article 3(C) of the Intergovernmental Real Property Tax Abatement Agreement between the Village and the School District dated as of October 14, 2019, as amended by the First Amendment to Intergovernmental Real Property Tax Abatement Agreement dated as of December 10, 2019 (collectively, the "Abatement Agreement") in accordance with R.C. Sections 3735.671 and 5709.83, or the Board of Education of the School District has waived such notice, and has been given a copy of the Application and a draft of the CLPW Building 2 CRA Agreement; and

WHEREAS, pursuant to R.C. Section 3735.671 and the terms of the Abatement Agreement, the Board of Education of the School District passed Resolution No. 2024-127 on August 13, 2024, whereby the District has (i) approved the terms of the CLPW Building 2 CRA Agreement, including the one hundred percent (100%) real property tax exemption for fifteen (15) years; (ii) waived its rights to receive the forty-five (45) day and fourteen (14) day notices required under R.C. Sections 3735.671 and 5709.83; (iii) consented to the approval and execution of the Building 2 CRA Agreement attached hereto and (iv) ratified the applicability of the previously executed school donation agreement between the Original Developer and the School District, as subsequently assigned to the Building 2 Developer; and

WHEREAS, the Project Site is also located in the Tolles Career and Technical Center Joint Vocational School District (the "JVSD"), and on August 15, 2024, the Board of Education of the JVSD in accordance with R.C. Sections 3735.671 and 5709.83, passed a resolution approving an amendment of the compensation agreement between the Original Developer and the JVSD to account for the entirety of the CLPW Building 2 Project Site; and

WHEREAS, the Village and Developer desire to execute the CLPW Building 2 CRA Agreement to provide for the successful development of the Project Site, which development will create and preserve employment opportunities in the Village and will benefit the citizens of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF WEST JEFFERSON COUNCIL, COUNTY OF MADISON, STATE OF OHIO:

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SECTION I: The CLPW Building 2 CRA Agreement between the Village and the Developer, substantially in the form attached to this Resolution as **Exhibit C**, is hereby approved and authorized, with changes or amendments thereto not inconsistent with this Resolution and not substantially adverse to the Village as determined by the Mayor. The Mayor, for and in the name of the Village, is hereby authorized to execute the CLPW Building 2 CRA Agreement, and any amendments thereto deemed by the Mayor to be necessary. The approval of changes or amendments by the Mayor, and the character of the changes or amendments as not being inconsistent with this Resolution and not being substantially adverse to the Village, shall be evidenced conclusively by the execution of the CLPW Building 2 CRA Agreement by the Mayor.

SECTION II: The Council hereby further authorizes and directs the Mayor, the Director of Law, the Director of Finance, the Director of the Department of Development, the Clerk of Council and any such other appropriate officers of the Village to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution, and the CLPW Building 2 CRA Agreement authorized and approved in this Resolution.

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the Village that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

WHEREFORE, this Resolution shall be in full force and effect from and immediately after passage and approval by the Mayor.

Passed this 21st day of October, 2024


Jennifer Warner
President of Council

10-21-24
Date

Date received by Mayor 10-22-24

Date Approved by Mayor 10-22-24

Ray Martin, Mayor Ray A. Martin


Tisha Edwards
Clerk of Council

10-22-24
Date

Sections Vetoed: _____

Approved as to Form:


J. Michael Murray, Director of Law, or
Joshua W. Beasley, Assistant Director of Law

10/23/24
Date

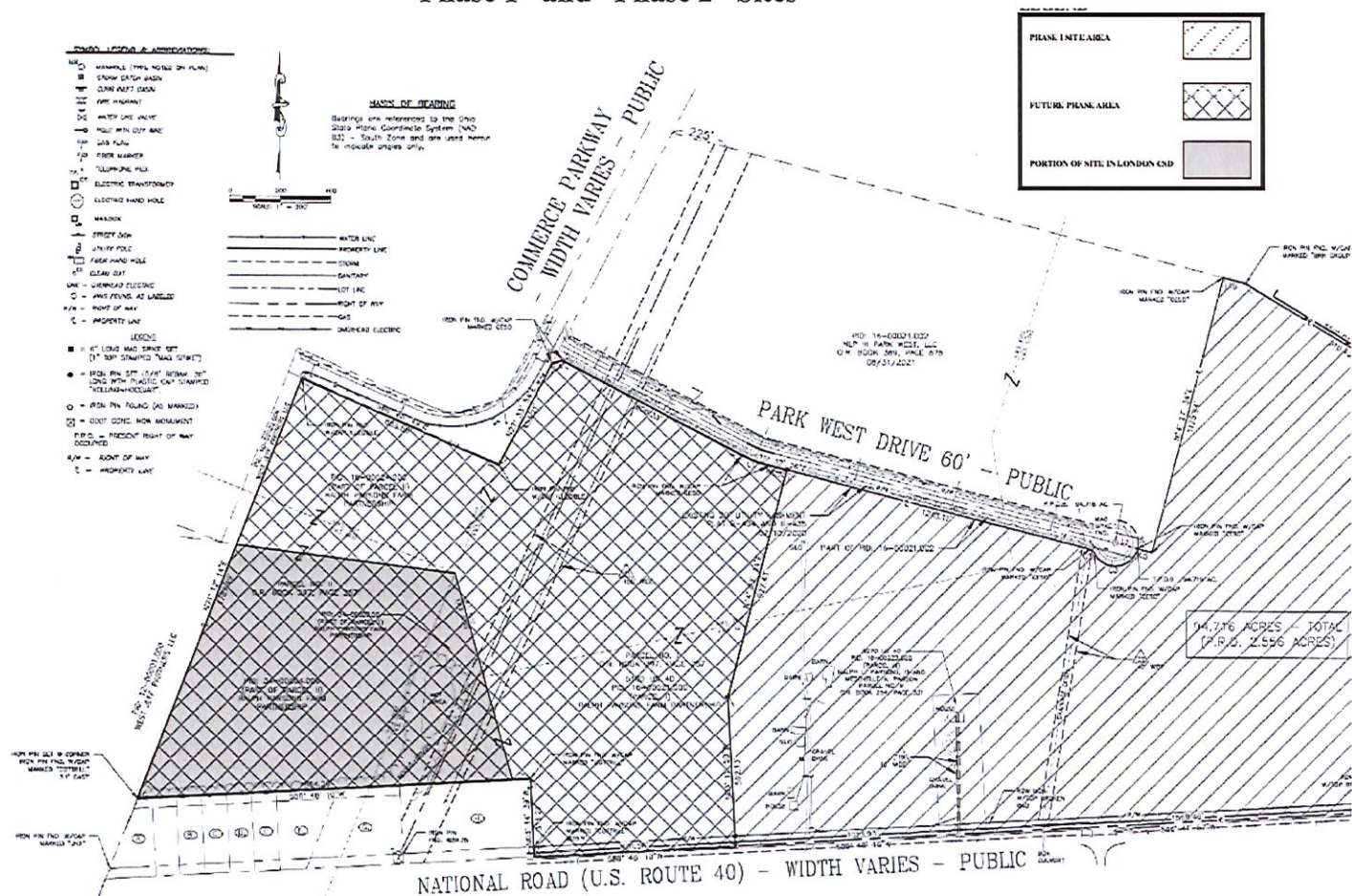
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EXHIBIT A

“Phase 1” and “Phase 2” Sites



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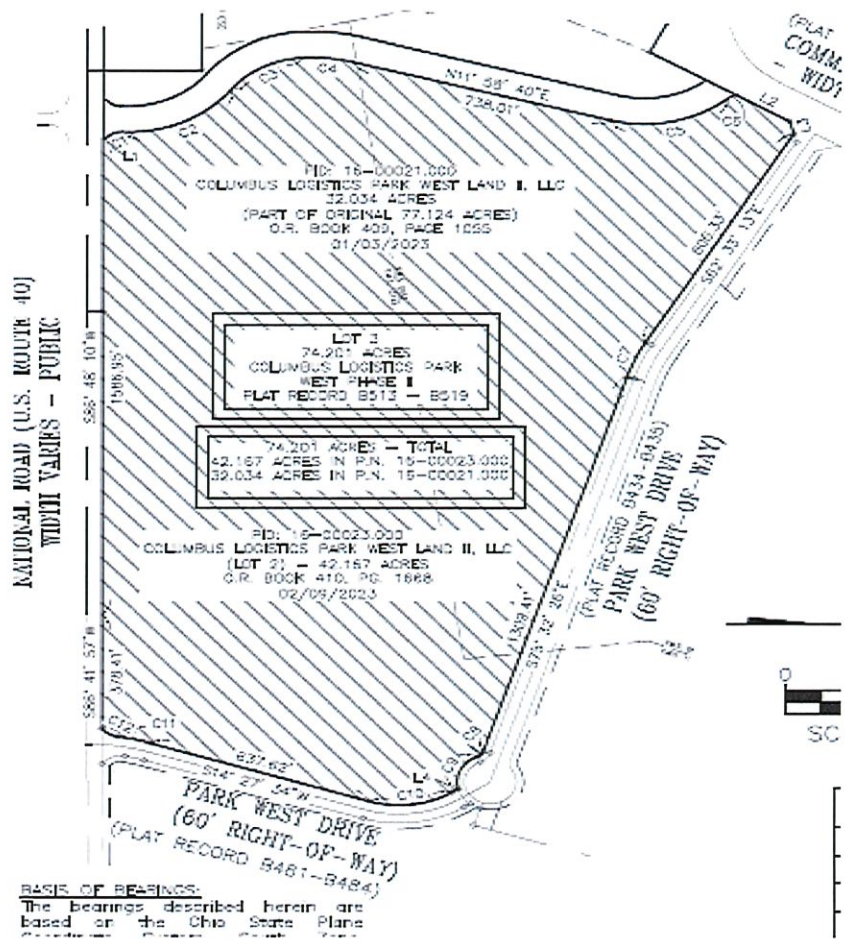
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EXHIBIT B

CLPW BUILDING 2 PROJECT SITE

The CLPW Building 2 Project Site will be approximately 74.201 acres comprised of portions of Madison County parcel numbers 16-00021.000 and 16-00023.000, as listed on the Madison County Auditor’s tax and duplicate listing for tax year 2023, and as depicted on the map below:



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EXHIBIT C

CLPW BUILDING 2 CRA AGREEMENT