

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**ORDINANCE NO. 2023 – 88**

AN ORDINANCE AUTHORIZING EXECUTION OF A  
COMMUNITY REINVESTMENT AREA AGREEMENT  
AND DECLARING AN EMERGENCY.

WHEREAS, the Village of New Concord (the “Village”) has determined to encourage the development of real property and the acquisition of personal property located in the area designated as the Village of New Concord Community Reinvestment Area (the “CRA”) and seeks to foster job creation and economic development in the Village; and

WHEREAS, MU Student Housing LLC, an Ohio limited liability company (the “Developer”) and Muskingum University, an Ohio non-profit corporation (the “University” and collectively with the Developer, the “Property Owner”) and the Village (collectively with the Property Owner, the “Parties”) have negotiated a proposed Community Reinvestment Area Agreement (the “CRA Agreement”) to provide certain economic development incentives to the Property Owner in return for the Property Owner undertaking the Project (defined below); and

WHEREAS, the Developer has acquired or will acquire certain real property located within the CRA, consisting of a portion of one tract totaling approximately 1.1040 acres, with a street address of 147 Lakeside Drive, situated on Parcel No. 66-25-01-23-000 in the Village of New Concord, Muskingum County, Ohio (the “Project Site”), also known as building Finney Hall (the “Building”), and in consideration for the incentives described in the CRA Agreement, the Property Owner intends to update and remodel the Building (the “Project”) for the benefit of the University and the University community, including upgrading the University campus’ casual dining option, The Bait Shop, and creating the student Impact Center, providing comprehensive career preparation for students; and

WHEREAS, in connection with the Project, the Property Owner is expecting to expend approximately Eight Million, One Hundred Dollars (\$8,100,000) to update and remodel the Building, and the University expects to retain 3 full-time permanent employees at the Project, all as set forth more fully in the CRA Agreement; and

WHEREAS, to encourage the development of real property and acquisition of personal property, the Council for the Village of New Concord, Ohio (the “Council”), by Ordinance No. 2021-37, designated certain areas as a CRA; and

WHEREAS, the Village has submitted or is submitting its CRA petition to the Director of Development of the State of Ohio to be confirmed as a “Community Reinvestment Area” pursuant to Section 3735.66 of the Ohio Revised Code; and

WHEREAS, the Village, in order to encourage the retention of the employee positions and investment in the Project desires to offer the Property Owner a fifteen (15) year, 100% real property tax exemption on the increased assessed value of the Building as further set forth in the

CRA Agreement; and

WHEREAS, the Project Site is located in the East Muskingum Local School District and the Mid-East Career and Technology Centers School District; and

WHEREAS, the Board of Education of the Mid-East Career and Technology Centers School District has been notified in accordance with Ohio Revised Code Section 5709.83, has waived its rights in accordance with Ohio Revised Code Sections 3735.671 and 5709.83, and has been given a copy of the proposed CRA Agreement; and

WHEREAS, the Board of Education of the East Muskingum Local School District, has been notified, has approved the CRA Agreement, and has waived its rights in accordance with Ohio Revised Code Sections 3735.671 and 5709.83; and

WHEREAS, the proposed CRA Agreement requires the Property Owner to provide the Village with certain annual reports and entitles the Village to audit the information that the Village receives from the Property Owner; and

WHEREAS, the Village Attorney has received a copy of the proposed CRA Agreement that the Parties have negotiated; and

WHEREAS, the remodeling of existing structures or the construction of new structures in the Village of New Concord CRA constitutes a public purpose for which real property exemptions may be granted; and

WHEREAS, it is immediately necessary for the general welfare of the Village that CRA Agreement be considered and approved so that the Project may commence in order to minimize the impact of students residing in the Building.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF NEW CONCORD, MUSKINGUM COUNTY, OHIO, THAT:

Section 1: In consideration of the covenants set forth in the CRA Agreement in the form on file with the Village Attorney, this Council hereby approves the CRA Agreement, which provides for a 100% CRA exemption for fifteen (15) years for the Project, substantially in the form on file with the Village Attorney and authorizes the Mayor to execute and deliver the CRA Agreement on behalf of the Village, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the Village; and

Section 2: That, this Council hereby authorizes the Mayor or other appropriate officers of the Village to take such actions as are necessary or appropriate to implement the transactions contemplated by this Ordinance, including but not limited to (i) forwarding on behalf of Council a copy of the CRA Agreement, within fifteen (15) days after its execution, to the Ohio Director of Development (the "Director"); (ii) submitting on behalf of Council annual reports on the agreement to Director and the East Muskingum Local School District board in accordance with Ohio Revised Code Section 3735.672(A); and (iii) taking any additional actions to fulfill the Village's obligations under the CRA Agreement.

Section 3: That, it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any decision making bodies of the Village which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That for the reasons stated in the preamble, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force at the earliest period allowed by law.

PASSED: August 14, 2023

  
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Steve Wootton, President of Council

APPROVED: August 14, 2023

  
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Jennifer Lyle, Mayor

ATTEST:

  
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Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

  
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Lynn Marlatt, Fiscal Officer