

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. K-11-05-2

AN ORDINANCE AMENDING AN AGREEMENT AND A COMPENSATION AGREEMENT WITH GENERAL WAREHOUSE & TRANSPORTATION COMPANY, TO ASSIGN ALL RIGHTS AND OBLIGATIONS OF THESE AGREEMENTS TO NATIONAL DISTRIBUTION CENTERS, L.P. AND WITH NEW CONCORD OHIO, INC., TO ASSIGN ALL RIGHTS AND OBLIGATIONS OF THESE AGREEMENTS TO THE FOUR B'S, AND MAKING DETERMINATIONS IN CONNECTION THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has pursuant to its Ohio Enterprise Zone Program provided for the establishment of Urban or Rural Jobs and Enterprise Zones, and for the provision of tax incentives to private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to said State Urban Jobs and Enterprise Zone Program, this Village Council by resolution No. K-2-93-1 adopted on February 8, 1993, approved the designation of the geographic area described in said Resolution as a Rural Enterprise Zone, and requested the Muskingum County Commissioners to make such designation; and the Board of County Commissioners of Muskingum County by their resolution adopted November 18, 1996, designated the geographic area described in said resolution as a Rural Enterprise Zone, and the Director of Development of the State Department of Development has made his certification and approval of said area as a Rural Enterprise Zone within the requirements of Ohio Revised Code Sections 5709.61 through 5709.65 (hereinafter the "Act"); and

WHEREAS, the Village Council, by Ordinance K-4-00-1 approved an Agreement and a Compensation Agreement with General Warehouse Co. (herein collectively referred to as the "The First Company") and New Concord Ohio, Inc. (herein collectively referred to as "The Second Company", under the Act, which Agreements provided for a Project by the Company (the "Project"), located in the Enterprise Zone and pursuant to the aforesaid Ordinance and County resolution; and

WHEREAS, General Warehouse Co. desires to assign all rights and responsibilities of these Agreements to National Distribution Centers, L.P.; and

WHEREAS, New Concord Ohio, Inc. desires to assign all rights and responsibilities of these Agreements to The Four B's

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NEW CONCORD, STATE OF OHIO:

SECTION ONE. The Village Council hereby finds and determines that the Companies are qualified by financial responsibility and business experience to create and preserve employment opportunities in the Enterprise Zone, and to improve the economic climate of the village, and hereby finds and determines that the aforesaid Proposal complies with the requirements of the act and is satisfactory to the Village, and which Proposal is hereby approved.

SECTION TWO. The Village Council hereby confirms and ratifies the Village's agreement amendment, and confirms, ratifies and approves the execution by the Mayor of an Enterprise Zone Agreement Amendment effective as of November 14, 2005, substantially in accordance with the form of the Agreement Amendment on file with the Clerk of the Village Council and marked with the same number as this Ordinance and marked as Exhibit A.

SECTION THREE. This Village Council hereby finds and determines that the Agreement Amendment requested by the Companies for said Project meet the requirements of the Act, and said Agreement Amendment shall be substantially in the form of the Agreement Amendment, attached hereto as Exhibit A, and with such revisions and additional terms and conditions as may be required and as are consistent with the requirements of the Act, and are approved by the Village Solicitor; and, this Council hereby authorizes and directs the Mayor to execute this Agreement Amendment on behalf of the Village and with the Company, and to forward said Agreement Amendment to the Muskingum County Commissioners for their approval.

SECTION FOUR. This Council hereby authorizes and directs the Mayor and Village Solicitor to take such additional steps, and provide such information and certifications, as is necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement Amendment, and the requirements and policies of the Act.

SECTION FIVE. This Council finds and determines that all formal actions of the Council concerning and relating to passage of this Ordinance were taken in open meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were taken in meetings open to the public in accordance with the law.

SECTION SIX. Wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: November 14, 2005

Al Chaffee
Al Chaffee, President of Council

APPROVED: November 14, 2005

R. Gregory Adams
R. Gregory Adams, Mayor

ATTEST: Sue Wilson
Sue Wilson, Fiscal Officer

THIS LEGISLATION APPROVED
AS TO FORM

Scott D. Eisenberger
Village Solicitor

Sue Wilson