

JUNE 1, 2016

SPECIAL COUNCIL MEETING @ 6 P.M.

- A. Call to Order
- B. Pledge of Allegiance
- C. Moment of Silence
- D. Roll Call
- E. Legislation:

**Resolution No. 2016-21**, a Resolution approving an amendment to the agreement to create the Village of Walton Hills – Sagamore Hills Township Joint Economic Development District and authorizing the inclusion of certain additional Village property within said district, and declaring an emergency

- F. Adjournment

Submitted by Katie Iaconis 5.31.16

**VILLAGE OF WALTON HILLS  
CUYAHOGA COUNTY, OHIO**

**RESOLUTION 2016-21**

**INTRODUCED BY COUNCILPERSON**

**A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT TO CREATE THE VILLAGE OF WALTON HILLS - SAGAMORE HILLS TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT AND AUTHORIZING THE INCLUSION OF CERTAIN ADDITIONAL VILLAGE PROPERTY WITHIN SAID DISTRICT, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Chapter 715 (the “Act”) empowers certain political subdivisions to form joint economic development districts to share in the costs of improvements for economic development purposes; and

**WHEREAS**, pursuant to the Act and Resolution No. 2015-21, passed by the Council on June 16, 2015, the Village of Walton Hills, Cuyahoga County, Ohio (the “Village”) is party to the Village of Walton Hills – Sagamore Hills Township Joint Economic Development District Agreement dated July 24, 2015 (the “Agreement”) by and between the Village and Sagamore Hills Township, Summit County, Ohio (the “Township”), which Agreement creates and provides for the operation of a joint economic development district (the “District”) known as the Village of Walton Hills - Sagamore Hills Township Joint Economic Development District; and

**WHEREAS**, pursuant to Ohio Revised Section 715.761, the Village and the Township now desire to amend the Agreement to add certain additional real property (the “Additional Property”) to the territory of the District and, to that end, have negotiated an Amendment to the Agreement (the “Amendment”), a form of which is attached hereto as Exhibit A; and

**WHEREAS**, the Village desires to include within the Additional Property certain real property owned by the Village and used by the Village in its capacity as a business within the meaning of Ohio Revised Code Section 715.692, which real property is located on Walton Road near the intersection with Alexander Road within the Village and is identified by the County Recorder of Cuyahoga County, Ohio, by Permanent Parcel Number 79420052 (the “Additional Village Property”) and is depicted in the Amendment; and

**WHEREAS**, pursuant to Ohio Revised Code Section 715.75, the Village conducted a public hearing regarding the Amendment, with appropriate public notice, and made available for public examination all documents required by law for review; and

**WHEREAS**, as required by Ohio Revised Code Section 715.75, the County Council for the County of Summit, where the JEDD is located; and the County Council of Cuyahoga County, where the Village is located, have been provided with copies of the Amendment.

**NOW THEREFORE, BE IT RESOLVED**, by the Village Council of the Village of Walton Hills, Cuyahoga County, State of Ohio, that:

**SECTION 1.** The Council approves the Amendment in substantially the form attached to this Resolution as Exhibit A, and authorizes and directs the Mayor to sign the Amendment. The Mayor and the Clerk of Council are jointly authorized and directed to execute and deliver any other agreements, documents or certificates, and take all other actions, necessary to accomplish the purposes of this Resolution.

**SECTION 3.** Upon approval of the Amendment by the Township, the Clerk of Council shall, jointly with the Township, file or cause to be filed with the County Councils of Cuyahoga County and Summit County, respectively, all documents required by Ohio Revised Code Section 715.76, including (i) a signed copy of the Amendment, including its exhibits; (ii) certified copies of this Resolution and the Township's Resolution approving the Amendment; (iii) certificates from the Township and the Village that the public hearings required by Ohio Revised Code Section 715.75 have been held, which certificates shall include the dates of the hearings and evidence of publication of the notice of the hearings; (iv) a copy of the petitions signed by the majority of owners of property located in the Additional Territory; and (v) a copy of the petitions signed by the majority of owners of businesses located in the Additional Territory.

**SECTION 4.** The Clerk of Council shall retain on file a copy of the Amendment and its exhibits, including (i) the depictions and identification of the parcels constituting the Additional Territory; and (ii) Ohio Revised Code Sections 715.72 through 715.82 as effective on the date of the executed Amendment.

**SECTION 5.** Pursuant to Ohio Revised Code Section 715.73(C), this Council hereby authorizes and directs the Mayor, acting on behalf of the Council in the Village's capacity as the owner of the Additional Village Property, as defined herein, and as the owner of a business located on the Additional Village Property, to execute petitions seeking to include the Additional Village Property within the District pursuant to the terms of the Amendment.

**SECTION 6.** This Council hereby finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions occurred in meetings open to the public, in compliance with law, including Ohio Revised Code Section 121.22.

**SECTION 7.** This Resolution shall be effective at the earliest date allowed by law.

Signed:

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Mayor

Attest:

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Clerk

Adopted June 1, 2016

Effective June 1, 2016

Approved as to form:

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Law Director

**EXHIBIT A**

AMENDMENT

AMENDMENT TO THE VILLAGE OF WALTON HILLS - SAGAMORE HILLS TOWNSHIP  
JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT

This Amendment (the "Amendment") to the Village of Walton Hills-Sagamore Hills Township Joint Economic Development District Agreement (the "Agreement") is made and entered into this [ ] day of July, 2016 (the "Effective Date"), by and between the Township of Sagamore Hills, Summit County (the "Township") and the Village of Walton Hills (the "Village" and, together with the Township, the "Contracting Parties" and each a "Contracting Party") in accordance with the terms and provisions set forth herein.

WHEREAS, the Township and the Village are party to that certain Village of Walton Hills – Sagamore Hills Township Joint Economic Development District Agreement, dated July 24, 2015 (the "Agreement"), which Agreement promotes collaborative economic development efforts through the creation and governance of a joint economic development district (the "District") pursuant to Ohio Revised Code Sections 715.72 through 715.81 (the "Act"), and which District is intended to facilitate economic development to create or preserve jobs and employment opportunities within the meaning of Ohio Revised Code Section 715.72(C), thereby improving the economic welfare of residents of the Township, the Village, and the State of Ohio (the "State") generally; and

WHEREAS, Ohio Revised Code Section 715.761 and Section 6 of the Agreement authorize the amendment of the Agreement upon certain conditions stated therein for the purposes of adding territory to the District; and

WHEREAS, the Township and the Village have received a petition signed by the majority of owners of certain real property described on Exhibit A hereto (hereinafter, the "New Territory") and a petition signed by the majority of the owners of businesses located within the New Territory, which petitions each request the addition of the New Territory to the District; and

WHEREAS, the legislative authorities of the Township and the Village have each approved, authorized and directed the Township and the Village respectively to make and enter into this Amendment, by and through their respective officers in accordance with Resolution No. 16-[ ], adopted by the Township on June 1, 2016 (the "Township Resolution"), and Resolution No. 2016-[ ], adopted by the Village on June 1, 2016 (the "Village Resolution").

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this Amendment, the Contracting Parties agree and bind themselves, their agents, employees and successors as follows:

Section 1.     Addition of New Territory to District.

Pursuant to Section 6 of the Agreement and Ohio Revised Code Section 715.761, and effective on the Effective Date hereof, the Agreement is hereby amended to include the New Territory within the District. The territorial boundaries of the New Territory are depicted and identified in Exhibit A attached hereto and incorporated by reference into this Agreement. The territory of the District is otherwise unchanged.

The New Territory is located entirely within the territorial boundaries of the Township and the Village. In accordance with Ohio Revised Code Section 715.73, no electors reside within the New Territory as of the date hereof.

Pursuant to the Township Resolution and the Village Resolution, the Contracting Parties each have given their respective consent to the inclusion within the District of certain real properties owned by the Township and Village and depicted and identified in Exhibit B hereto, which Exhibit B identifies the applicable zoning restrictions with respect to the New Territory.

Section 2. Remainder Unaffected. Notwithstanding anything to the contrary in the Agreement or this Amendment, the remaining provisions of the Agreement not expressly amended or modified by this Amendment shall remain in full force and effect.

Section 3. Counterparts. This Amendment may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any party to this Amendment may execute this Amendment by signing any such counterpart.

Section 4. Captions. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, the Contracting Parties have caused this Amendment to be duly signed in their respective names by their duly authorized officers, all as of the date first hereinbefore written.

TOWNSHIP OF SAGAMORE HILLS,  
SUMMIT COUNTY, OHIO

By: \_\_\_\_\_  
Paul Schweikert, Trustee

By: \_\_\_\_\_  
John Zaccardelli, Trustee

By: \_\_\_\_\_  
David DePasquale, Trustee

By: \_\_\_\_\_  
Scott Gale, Fiscal Officer

Approved as to form and correctness

\_\_\_\_\_  
Jeffrey Snell  
Legal Counsel to Township of Sagamore Hills  
Summit County, Ohio

VILLAGE OF WALTON HILLS

By: \_\_\_\_\_  
Kevin Hurst  
Mayor

Approved as to form and correctness

\_\_\_\_\_  
William D. Mason  
Director of Law

EXHIBIT A

DISTRICT TERRITORY

[See attached maps of New Territory]

EXHIBIT A

Cuyahoga County Parcel # 79420052 (shown in relation to two parcels currently within District)

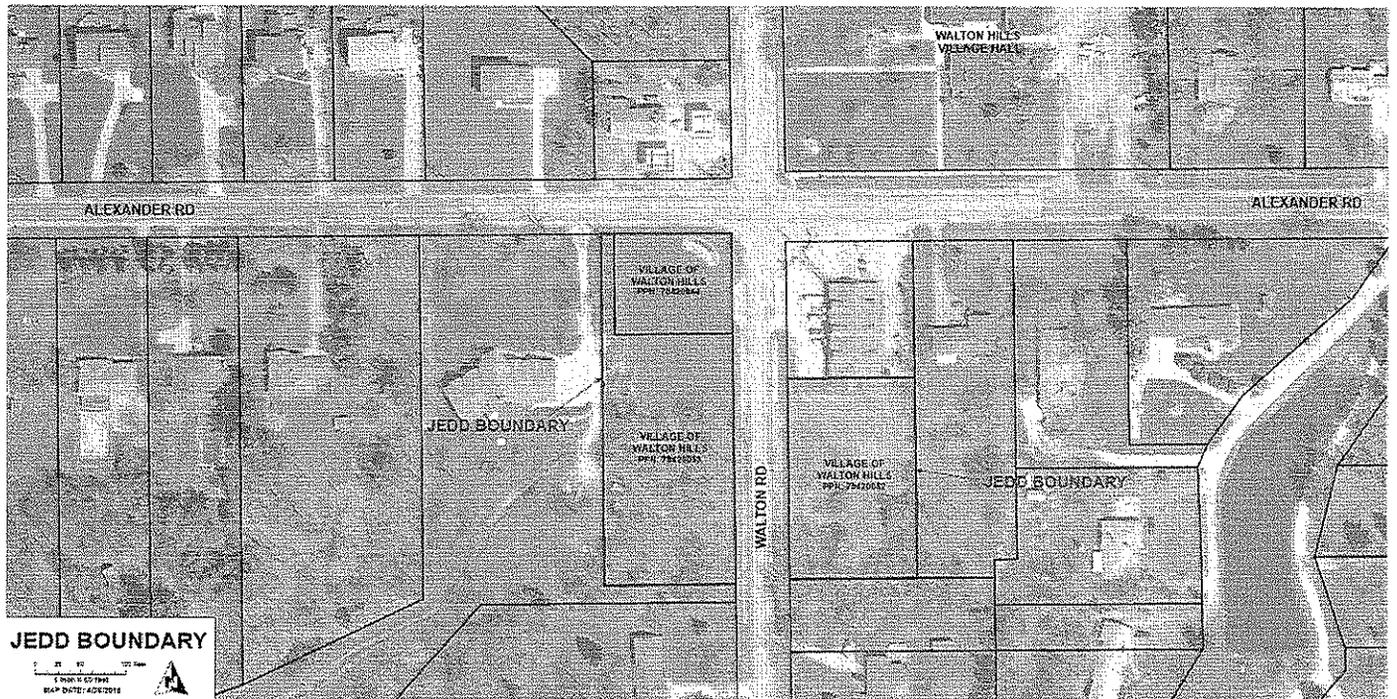


EXHIBIT A

Summit County Parcel # 4502267

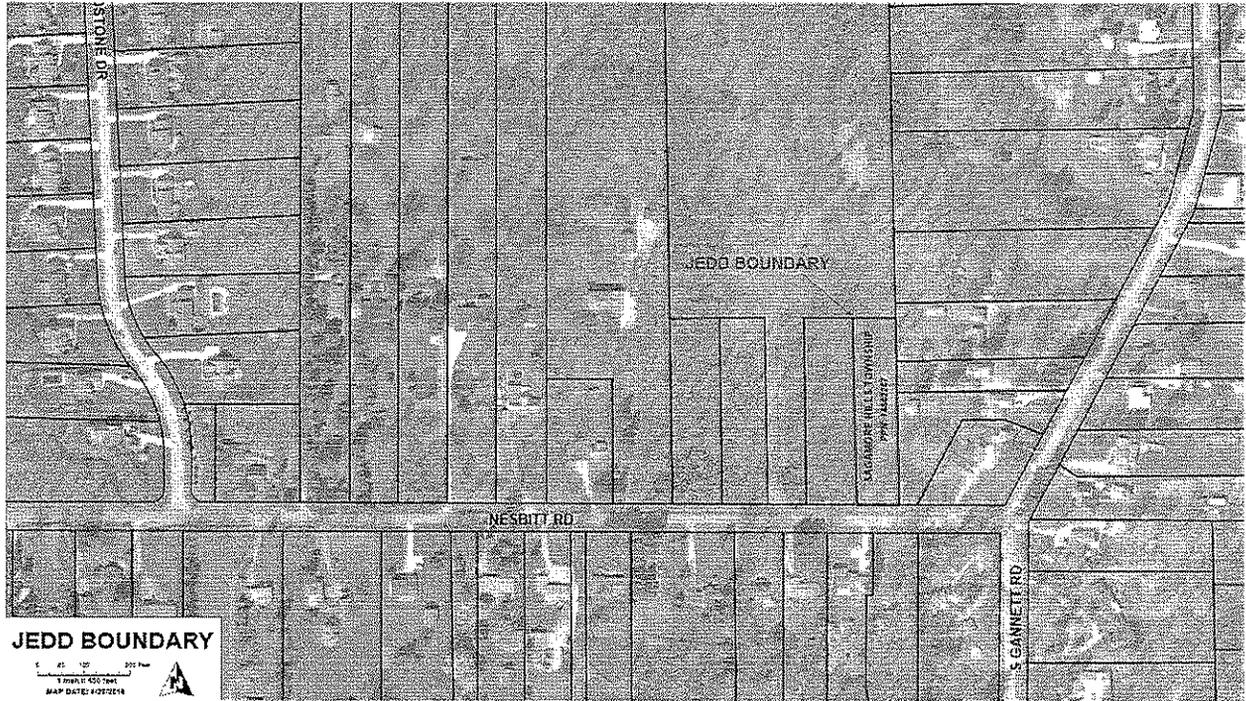


EXHIBIT A

Summit County Parcel # 4505176 (reflecting addition of portion of parcel)



EXHIBIT A

The Village of Walton Hills-Sagamore Hills Township Joint Economic Development District (the "District") shall be expanded to include the following parcels, as identified in the records of the County Auditor of Cuyahoga County, Ohio and the County Auditor of Summit County, Ohio, each as of July [\_\_\_\_], 2016:

Cuyahoga County Parcel Number	Zoning Category
794-20-052	Country Home (CH); Business (B)

Summit County Parcel Number	Zoning Category
4502267	R-1 Property Owned by Township
4505176*	Exempt Property Owned by State

\*As depicted on preceding page, the New Territory includes a portion of this parcel that was not previously included within the District.