



**ORDINANCE 2023-32**

**AN ORDINANCE AUTHORIZING THE CITY OF POWELL TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH CSD POWELL, LLC, AND DECLARING AN EMERGENCY**

**WHEREAS,** the City Council of the City of Powell (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in areas of the City of Powell that have not enjoyed reinvestment from remodeling or new construction; and

**WHEREAS,** by Ordinance No. 2023-10 effective March 21, 2023, the Council created the Downtown Community Reinvestment Area (the "CRA Ordinance"); and

**WHEREAS,** CSD Powell, LLC, an Ohio limited liability company (the "Developer"), is currently the sole owner of property located at 50 E. Olentangy Street, Powell, Ohio 43065 which real property currently has been assigned tax parcel numbers 319-425-13-055-000 and 319-425-13-056-000 in the Delaware County Auditor's Office (the "Project Site"); and

**WHEREAS,** the Project Site is within the boundaries of the aforementioned Community Reinvestment Area established by the CRA Ordinance; and

**WHEREAS,** the Developer desires to participate in the Community Reinvestment Area program; and

**WHEREAS,** the Developer wishes to enter into a community reinvestment area agreement (the "CRA Agreement") to receive an exemption from taxation for the constructing and equipping a two or three-story mixed-use building containing private offices and co-working space and meeting and event space (the "Project"); and

**WHEREAS,** the Project Site is located within the boundaries of the Olentangy Local School District (the "School District") and the Delaware Area Career Center (the "JVSD") and the Boards of Education of each of the School District and the JVSD has been notified of the proposed approval of the CRA Agreement in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code, or has waived such notice, and has been given a copy of the Application and a draft of the CRA Agreement; and

**WHEREAS,** pursuant to R.C. Section 3735.67(A), the Council and the Developer desire to formalize their agreement with respect to matters hereinafter contained; now therefore

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**SECTION 1: Grant of Exemption.** That the Council of the City of Powell hereby grants a tax exemption for real property improvements consisting of the Project pursuant to ORC Section 3735.67 which exemption shall be in the amount of 75% for a period of 15 years commencing in the first year for which the Project would first be taxable were that property not exempted from taxation.

**SECTION 2: CRA Agreement.** That the CRA Agreement in the form presently on file with the City Clerk, providing for, among other things, the provision of the real property tax exemption for the Project, is hereby approved and authorized with changes therein and completions thereto not inconsistent with this ordinance and not substantially adverse to this City and which shall be approved by the Mayor. The Mayor, for and in the name of this City, is hereby authorized to execute and deliver that CRA Agreement and any

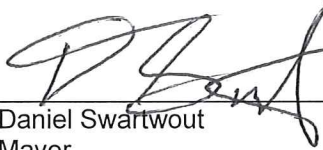
amendments thereto that do not increase the percentage or number of years of the tax exemption, provided further that the approval of changes, completions or amendments thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the Mayor's execution thereof.

SECTION 3. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

SECTION 4. Further Authorizations. This Council authorizes the Director of Community Development or his designee to sign those certificates, and instruments; submit or file any documents or materials as necessary or appropriate; make those arrangements; and take any other actions as are necessary or appropriate to carry out the purposes of this Ordinance and the CRA Agreement, and facilitate the tax exemption described herein.

SECTION 5. Non-Discriminatory Hiring Policy. In accordance with Section 5709.832 of the Ohio Revised Code, this Council hereby determines that no employer located upon any Parcel shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

SECTION 6: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that this Ordinance must be immediately effective so that the work can begin on the construction and/or remodeling of residential and commercial structures within the Downtown Community Reinvestment Area; WHEREFORE, this Ordinance shall take effect and be in force from and immediately after its adoption.

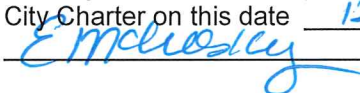
  
\_\_\_\_\_  
Daniel Swartwout  
Mayor

12/5/2023  
Date

  
\_\_\_\_\_  
Elaine McCloskey  
City Clerk

12/5/2023  
Date

**EFFECTIVE DATE: December 5, 2023**

This legislation has been posted in accordance with the City Charter on this date 12/11/2023  
  
\_\_\_\_\_  
City Clerk