

January 18, 2018

BY HAND DELIVERY AND EMAIL

Liberty Township Board of Trustees
10104 Brewster Lane
Powell, Ohio 43065

RE: December 18, 2018 Written Notice of Potential Default

Dear Trustees:

On December 18, 2018, the City of Powell served Liberty Township with a notice of potential breach and default of the terms of the CEDA inasmuch as representatives of Liberty Township have knowingly and purposefully initiated negotiations with Delaware County to contract for EMS services and cease Township EMS services. To date, the City of Powell has received no response from Liberty Township confirming that the Township will cease and desist from any further actions that will serve to reduce or otherwise modify the current level of Fire and EMS services by the Liberty Township Fire Department in the City of Powell.

As noted in the December 18 correspondence, in the May 1, 2002 Cooperative Economic Development Agreement (“CEDA”), Liberty Township agreed that the **Liberty Township Fire Department Township** would be the provider of EMS and fire services in the City of Powell. The corresponding obligation of the City of Powell is that City territory not be removed from the Township, so that the Township would perpetually be the provider of Fire Department services, obviously including both fire and EMS. Your recent actions beg the question whether Liberty Township intends to repudiate the CEDA and, in effect, reopen the issue of whether the City of Powell has a legal obligation to remain in Liberty Township. The City obviously does not take this obligation lightly, but your utter lack of a response to our issues and concerns about the CEDA, as well as certain recent statements by Township Trustees to the effect that it is believed that the CEDA has expired, are indicative of a repudiation of the CEDA. Is it the Township’s intention to reopen both parties’ obligations under the agreement?

The corresponding obligations under the CEDA are, of course, inextricably intertwined with the tax levy to implement those obligations: Powell residents were asked to approve the 5.6 mill replacement levy to permit the Township Fire Department to

provide fire and EMS services at the current level. Use of the proceeds of that levy or previous similar levies to the benefit of the Delaware County EMS may be of questionable legality and, perhaps more importantly, would amount to a breach of trust with the residents of both the City and the unincorporated portion of the Township who voted for the levy.

To avoid the need for the City to explore its options as to legal intervention to enforce the terms of the CEDA, your prompt response is anticipated and demanded. The potential negative impact of the Trustees recent actions is far-reaching, not only as to dollar and cents issues such as creating uncertainty that stymies economic development, but more importantly as to the health, safety and welfare of the residents of the City of Powell and Liberty Township. These residents and these concerns cannot be ignored.

Sincerely,



Eugene L. Hollins
Powell Law Director

cc: Steve Lutz, City Manager
Matt Huffman, Township Administrator
Powell City Council
Board of Commissioners of Delaware County