

ORDINANCE NO. 2006-01

**AN ORDINANCE APPROVING AND AUTHORIZING
THE EXECUTION OF A CONTRACT CREATING THE
LIBERTY TOWNSHIP JOINT ECONOMIC
DEVELOPMENT DISTRICT AND DECLARING AN
EMERGENCY.**

WHEREAS, the City of Mason, the City of Middletown and the Township of Liberty desire to create a joint economic development district for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of the City of Middletown, City of Mason and Township of Liberty; and

WHEREAS, pursuant to Ohio Revised Code Section 715.75, this Council published notice of the time and place of a public hearing regarding the creation of the joint economic development district at least thirty days prior to that hearing; and

WHEREAS, since publication of that notice, there has been on file with the Clerk of this Council: (1) a copy of the proposed contract creating the joint economic development district, (2) a description of the area or areas to be included in the joint economic development district, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas, and (3) an economic development plan for the joint economic development district with a schedule for the new, expanded, or additional services, facilities, or improvements as prescribed in Ohio Revised Code Section 715.74(A) and a schedule for the collection of an income tax to be levied pursuant to Ohio Revised Code Section 715.74(C); and

WHEREAS, this Council held the public hearing regarding the proposed joint economic development district that allowed public comment and recommendations on the proposed contract and the proposed joint economic development district;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, that:

Section 1. This Council finds and determines that the creation of the Liberty Township Joint Economic Development District I (the "JEDD") will facilitate economic development to create and preserve jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of the City of Mason (the "City"), the City of Middletown ("Middletown") and the Township of Liberty ("Liberty Township"). This Council approves and ratifies the economic development plan now on file with the Clerk of this Council. This Council further finds and determines that the City has not entered into a separate contract for utility services with either Middletown or Liberty Township.

Section 2. This Council approves the Liberty Township Joint Economic Development District I Contract (the "Contract") by and among the City, Middletown and Liberty Township in the form now on file with the Clerk of this Council and attached hereto as Exhibit "A" and incorporated herein by reference. This Council finds and determines that the form now on file with the Clerk of this Council has not materially changed from the form that has been on file with the Clerk of this Council since the publication of the notice of the public hearing regarding the JEDD and the Contract. The City Manager is authorized to execute and deliver the Contract with such changes that are not materially adverse to the interest of the City and are consistent with this ordinance. The City Manager's execution and delivery of the Contract shall be conclusive evidence that he approved any changes in the Contract, and any such changes are not materially adverse to the interests of the City.

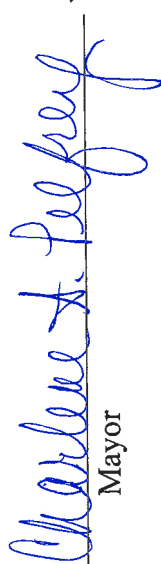
Section 3. This Council finds and determines that the City's approval, execution and delivery of the Contract is done freely and without duress or coercion.

Section 4. The City Manager is authorized and directed to, jointly with Middletown and Liberty Township, file with the Boards of County Commissioners of the County of Butler, Ohio and the County of Warren, Ohio, those documents prescribed by Ohio Revised Code Section 715.76. The City Manager is authorized to execute and deliver such instruments and certificates necessary to effect the creation of the JEDD.

Section 5. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon passage. The reason for said emergency is need to create a joint economic development district for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the City of Mason.

Passed this 23rd day of January, 2006.



Mayor

Attest:



Clerk of Council

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1/30/2006