

**ORDINANCE 2022 - 108**

**AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A SERVICE AGREEMENT FOR THE WESTERN ROW DEVELOPMENT PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, on July 13, 2020, this City Council (the “Council”) of the City of Mason, Warren County, (the “City”), Ohio adopted Ordinance #2020-67 pursuant to Section 5709.40 et seq. of the Ohio Revised Code granting an exemption from real property taxes for certain property in the City and authorizing the City to participate in a financing technique commonly known as tax increment financing; and

WHEREAS, on October 25, 2021, Council adopted Ordinance #2021-11 for an Economic Participation Agreement with Western Row Land Development; and

WHEREAS, on September 6, 2022, Council adopted Resolution # 2022-20 reaffirming support of the former Western Row Golf Course Mixed-Use Development anchored by Dorothy Lane Market; and

WHEREAS, this Board and Western Row Land Developers, Inc. (the “Developer”) have negotiated a Service Agreement (the “Service Agreement”) attached hereto as Exhibit A, providing for the construction of certain private improvements by the Developer and certain public infrastructure improvements by the City and the financing of those public infrastructure improvements;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mason, County of Warren, State of Ohio:

SECTION 1. That the Service Agreement by and among the City, and Western Row Land Developers, Inc., which is attached hereto, is hereby approved in substantially final form with only such changes that are not inconsistent with the provisions of this Ordinance and are not materially adverse to the interests of the City and are approved by the City Manager and legal counsel. The City Manager is hereby authorized and directed to execute said Service Agreement and deliver such executed Service Agreement to the Developer, execution of which shall evidence approval of the final terms thereof.

SECTION 2. That the Finance Director is hereby directed to record the fully executed Service Agreement in the property records of Warren County, Ohio.

SECTION 3. That there is hereby appropriated \$1,500,000 from the General Capital Improvement Fund and transferred to the Oak Park West TIF Fund as the City Contribution to pay a portion of the cost of the public infrastructure improvements, as set forth in Section 3 of the Service Agreement.

SECTION 4. That the obligations of the City under this ordinance do not and shall not represent or constitute a debt or pledge of the full faith and credit or the taxing power of the City and no member of council, officer, official, employee, agent, or legal representative of the

City shall be liable personally for any obligations under this Ordinance or the Service Agreement.

SECTION 5. That it is hereby found and determined 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 of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure for the reason that the public peace, health, safety and welfare of the inhabitants of the City of Mason require the immediate negotiation and execution of the Service Agreement, and it shall take effect immediately upon its adoption.

Passed this 14<sup>th</sup> day of November, 2022.

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Mayor

Attest:

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Clerk of Council