

**RESOLUTION NO. R-18-37**

**A RESOLUTION AUTHORIZING AN AMENDED ENTERPRISE ZONE AGREEMENT WITH OHI GREENHOUSE, LLC**

WHEREAS, the State of Ohio, pursuant to its Enterprise Zone Program, provided for the establishment of Enterprise Zones, and for the provision of tax incentives to private enterprises in order to promote and encourage expansion programs by private enterprise in such Enterprise Zones, and the creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to said Enterprise Zone Program, this City Council by Ordinance No. 4369, passed the 20<sup>th</sup> day of November 2003, approved the designation of the geographic area within the corporation limits of the City of Wilmington as described in said Ordinance as an Enterprise Zone, and requested Clinton County Commissioners to make such designation, and the Board of County Commissioners of Clinton County by their Resolution 03-1122, designated the geographic area described in said Resolution as an Enterprise Zone, and the Director of Development of the Ohio Department of Development has made his certification and approval of said area as an Enterprise Zone within the requirements of Ohio Revised Code Sections 5709.61 through 5709.66 (hereinafter the "Act"); and

WHEREAS, on the 16<sup>th</sup> of March 2017, by Resolution R-17-14, this City Council authorized an Enterprise Zone Agreement between OHI GREENHOUSE, LLC (the "Enterprise") and the City of Wilmington, which agreement provided for the construction of a commercial greenhouse farm using hydroponic growing methods to grow a variety of produce, and submitted such Agreement to the County for approval.

WHEREAS, on the 22<sup>nd</sup> day of March 2017, the County Board of Commissioners reviewed and approved said Enterprise Zone Agreement between the City of Wilmington and OHI Greenhouse; and

WHEREAS, due to unforeseen delays in construction, OHI Greenhouse LLC requests an amendment to the Enterprise Zone Agreement to adjust the PROJECT construction completion date, job creation schedule, and tax abatement schedule accordingly.

WHEREAS, the request to amend said Enterprise Zone Agreement has been reviewed by this City Council and the City Council has determined that it will be in the best interests of the City and its citizens to approve the amendment.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, THE COUNTY OF CLINTON, AND THE STATE OF OHIO:

Section 1. The City Council hereby finds and determines that the Enterprise is still qualified by financial responsibility and business experience to create employment opportunities in the Enterprise Zones, and to improve the economic climate of the City, and hereby finds and determines that the aforesaid Amendment complies with the requirements of the Act and is satisfactory to the City, and which Amendment is hereby approved.

Section 2. This City Council hereby authorizes and directs the Mayor to execute an Amendment to the Agreement (attached hereto and incorporated herein as Exhibit A) on behalf of the City.

Section 3. This Council hereby authorizes and directs the Mayor, the Director of Law or designee, and other appropriate officials of the City to take such additional steps, including discussions with the Wilmington City School District ("WCSD") regarding said Agreement, to execute such documents, and provide such information and certifications, and such other actions as are necessary and appropriate to carry out and implement the terms and conditions of the aforesaid Agreement and the requirements and policies of the Enterprise Zone.

Section 4. The City Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open

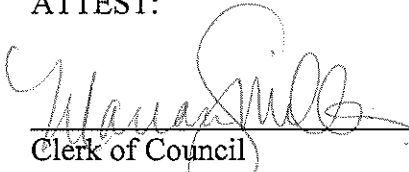
meetings of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were taken in meetings open to the public in accordance with the law.

Section 5. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

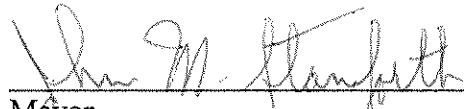
Passed this 18th day of October, 2018.

  
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President of Council *pro tem*

ATTEST:

  
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Clerk of Council

Approved by me this 18th day of October, 2018.

  
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Mayor