

RESOLUTION NO. 2016-111

A RESOLUTION AMENDING RESOLUTION 2015-127, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH SEASONS PARTNERS, LLC, AND THE MAX-TRAC TIRE COMPANY, INC., TO REFLECT CHANGES IN THE PROJECT START AND COMPLETION DATES AND IN THE LATEST ALLOWABLE COMMENCEMENT AND TERMINATION DATES OF THE EXEMPTION AND DECLARING AN EMERGENCY

WHEREAS, the City of Stow, Seasons Partners, LLC, and the Max-Trac Tire Company, Inc., entered into the Community Reinvestment Area Tax Incentive Agreement authorized in Resolution 2015-127; and

WHEREAS, Section 3 of the Community Reinvestment Area Tax Incentive Agreement states, "The PROJECT will begin no later than March 1, 2016, and all construction and installation will be completed by November 30, 2016"; and

WHEREAS, Section 6 states in part..."No exemption shall commence after December 31, 2017 nor extend beyond December 31, 2016..."; and

WHEREAS, the project start date has been delayed which will prevent the property tax exemption from commencing until 2018; and

WHEREAS, the City of Stow believes it is beneficial to amend the Seasons Partners, LLC, and Max-Trac Tire Company, Inc., Community Reinvestment Area Tax Incentive Agreement to reflect changes in the project start and completion dates and the latest allowable commencement and termination dates of the exemption;

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

SECTION 1. That the Mayor is hereby authorized to enter into the Addendum to the Community Reinvestment Area Agreement consistent with the form of the Addendum attached hereto together with such revisions or additions as are necessary to benefit the City and being consistent with the objectives of this Resolution.

SECTION 2. That all other terms and provisions of Resolution 2015-127, and relating legislation not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Resolution was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it concerns the efficient operation of the City because Seasons Partners, LLC desires to begin construction as soon as possible on this industrial building in the Stow Commerce Center, and pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

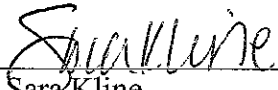
ADOPTED BY COUNCIL 10/27/16

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL


Mike Rasor
PRESIDENT OF COUNCIL

FILED WITH MAYOR 10/31/16

APPROVED 
Sara Kline
MAYOR

FILED WITH CLERK 10/31/16

APPROVED AS TO FORM

EFFECTIVE DATE 10/31/16

Amber K. Zibritosky
LAW DIRECTOR

I, Bonnie J. Emahiser, Clerk of Council, do hereby certify that copies of the forgoing were posted in accordance with Section 10.13 C.O.S.



ADDENDUM

This Addendum entered into this _____ day of _____, 2016 between the City of Stow, Ohio, a charter city, with its main office located at 3760 Darrow Road, Stow, Ohio, 44224 and Seasons Partners, LLC, an Ohio LLC with its main offices located at 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241 and the Max-Trac Tire Company, Inc., with its main offices located at 4600 Prosper Drive, Stow, Ohio, 44224, will supersede and take precedence over conflicting terms of the Community Reinvestment Area Tax Incentive Agreement ("CRA Agreement") entered into between the three aforementioned parties and will be effective upon execution of the parties and approval of the City of Stow.

WHEREAS, there currently exists a Community Reinvestment Area Tax Incentive Agreement between the City of Stow, Seasons Partners, LLC, and the Max-Trac Tire Company, Inc., and

WHEREAS, Section 3 of that agreement states that "The PROJECT will begin no later than March 1, 2016, and all construction and installation will be completed by November 30, 2016," and

WHEREAS, Section 6 of that agreement states, in part, ..."No exemption shall commence after December 31, 2017 nor extend beyond December 31, 2026,"... and

WHEREAS, it has become desirable and advantageous for the parties to amend the terms of Sections 3 and 6 of the CRA Agreement;

NOW, THEREFORE, the City of Stow, Seasons Partners, LLC, and the Max-Trac Tire Company, Inc., hereby agree:

1. That Section 3 of the CRA Agreement shall now read:

The PROJECT will begin no later than December 1, 2016, and all construction and installation will be completed by November 30, 2017.

2. That Section 6 of the CRA Agreement shall now read:

"The City of Stow hereby grants Seasons Partners, LLC, and the Max-Trac Tire Company, Inc., a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and in accordance with the following:

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1, 2018 nor extend beyond December 31, 2027. The exemption schedule is as follows:

Seasons Partners, LLC, and Max-Trac Tire Company, Inc.
Tax Exemption Schedule

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
YEAR 1	100%
YEAR 2	100%
YEAR 3	100%
YEAR 4	100%
YEAR 5	100%
YEAR 6	100%
YEAR 7	100%
YEAR 8	100%
YEAR 9	100%
YEAR 10	100%

Seasons Partners, LLC, must file the appropriate tax forms (DTE23) with the Summit County Fiscal Office to effect and maintain the exemption covered in the agreement.

3. That all other terms of the CRA Agreement shall remain in effect and unmodified.

IN WITNESS WHEREOF, the City of Stow, Seasons Partners, LLC, and the Max-Trac Tire Company, Inc., have caused this Addendum to be executed in their names by their undersigned officers, the same being duly authorized to do so.

CITY OF STOW

By Sara Kline, Mayor

Seasons Partners, LLC

By Joseph Perrow, Agent

Max-Trac Tire Company, Inc.

By Joseph Kohut, Treasurer

Approved as to form:

Amber Zibritosky, Law Director