

ORDINANCE NO. 2010- 106\_\_\_\_\_

**AN ORDINANCE AUTHORIZING A DEVELOPMENT AGREEMENT WITH PIZZUTI BUILDERS, LLC, AND DECLARING AN EMERGENCY.**

**WHEREAS**, to eliminate blighted and deteriorated conditions and to prevent the recurrence of those conditions, the City has acquired certain real property located in the area of the City's Downtown Urban Renewal Plan dated December 2005 (the "Urban Renewal Plan"); and

**WHEREAS**, for the purpose of carrying out the Urban Renewal Plan, to provide for the productive development and reuse of property and to create jobs and employment opportunities, the City desires to provide for the redevelopment of the Urban Renewal Plan area and immediately surrounding areas, and to enter into a Development Agreement (the "Development Agreement") with Pizzuti Builders, LLC, or an affiliated company (the "Redeveloper"), to provide for the construction of an hotel and conference center on certain property located in or adjacent to the Urban Renewal Plan area (the "Site") and the construction of public parking facilities by the City, subject to the conditions provided therein;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

**SECTION 1.** That this Council hereby finds and determines that the redevelopment of the Site in accordance with the terms and conditions of the Development Agreement is in the vital and best interests of the City, is necessary for the purpose of inducing redevelopment in the Urban Renewal Plan area for the elimination of blight and prevention of recurrence of blight, and is necessary to address property conditions and circumstances that are detrimental to public health and safety and that preclude and inhibit the economic use or reuse of the Site.

**SECTION 2.** That this Council hereby approves the Development Agreement, a copy of which is on file in the office of the Clerk of Council, and the City Manager is hereby authorized to execute the Development Agreement on behalf of the City in substantially the form as is on file with the Clerk of Council, together with such revisions or additions as are approved by the City Manager and Law Director as being consistent with the objectives and requirements of this Ordinance.

**SECTION 3.** That the City Manager, Director of Budget and Finance and Director of Economic Development, and other City officials, as appropriate, are authorized to execute and deliver such easements and licenses and such other instruments as are required by the Development Agreement or which are necessary and appropriate in connection the carrying out of the purposes of the Development Agreement and as are approved by the Law Director; and the City Manager, Director of Budget and Finance, Director of Economic Development, and other City officials, as are appropriate, are further authorized to provide such information and to certify or furnish such other documents, and to do all other things that are necessary for and incidental to carrying out the redevelopment activities contemplated in the Development Agreement.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City, and for the further

reason that this Ordinance is required to be immediately effective in order for the redevelopment of the Site to proceed, thereby inducing redevelopment in the Urban Renewal Plan area and eliminating blighted conditions and preventing the recurrence of those conditions, for which reasons and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 11/17/2010  
DATE

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MAYOR & PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Resolution No. 2010- 106 was duly enacted this 17th day of November , 2010 by the Council of the City of Kent, Ohio.

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CLERK OF COUNCIL