**ORDINANCE NO. 4-2021**

**Authorizing the VILLAGE ADMINISTRATOR TO executE A FOURTH AMENDED AND RESTATED COMMUNITY REINVESTMENT AREA AGREEMENT with FCA REALTY, LLC FOR A REAL PROPERTY TAX EXEMPTION PURSUANT TO THE community reinvestment area PREVIOUSLY ESTABLISHED BY THE VILLAGE AND DECLARING AN EMERGENCY**

**WHEREAS,** on May 19, 2008,the Council of the Village of Fairfax (“Village”) adopted Resolution No. 3-2008, establishing a Community Reinvestment Area (“CRA”) in the Village pursuant to R.C. 3735.66; and

**WHEREAS**, pursuant to Ordinance No. 18-2019, the Village executed a Community Reinvestment Area Agreement with FCA Realty, LLC (“FCAR”) for a real property tax exemption within the CRA as set forth in Chapter 3735 of the Revised Code; and

**WHEREAS**, pursuant to Ordinance No. 16-2020, the Village executed an Amended and Restated Community Reinvestment Area Agreement with FCAR to account for unavoidable changes to the construction schedule; and

**WHEREAS**, pursuant to Ordinance No. 22-2020, the Village executed a Second Amended and Restated Community Reinvestment Area Agreement with FCAR to account for unavoidable changes to the property acquisition and construction schedule due to the COVID-19 pandemic, and other matters necessary for the approval of FCAR’s management; and

**WHEREAS**, pursuant to Ordinance No. 1-2021, the Village executed a Third Amended and Restated Community Reinvestment Area Agreement with FCAR to account for unavoidable changes to the property acquisition and construction schedule due to the COVID-19 pandemic, and other matters necessary for the approval of FCAR’s management; and

**WHEREAS,** for the same reasons set forth in Ordinance No. 1-2021, it is necessary again to revise the Community Reinvestment Area Agreement, providing a brief extension of certain deadlines therein; and

**WHEREAS**, the parties agreed in principle to such revisions, as reflected in Exhibit A hereto; and

**WHEREAS**, the Third Amended and Restated Community Reinvestment Area Agreement would have expired as of February 4, 2021 absent prior consent to extend the date for the approval of FCAR’s management, as requested by FCAR on February 2, 2021, and then first executed by the parties on February 2, 2021;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio, that:

**SECTION I:** The Village Administrator is hereby authorized and directed to enter into a Fourth Amended and Restated Community Reinvestment Area Agreement with FCAR for a real property tax exemption in substantially the form attached hereto as Exhibit A, subject to such revisions as the Village Administrator deems necessary under Resolution No. 3-2008 and as necessary to comply with R.C. 3735.671.

**SECTION II:** The Village Administrator is hereby designated by this Council to forward a copy of the Third Amended and Restated Community Reinvestment Area Agreement to the Ohio Director of Development Services within fifteen days after such agreement is executed by all parties, as required by R.C. 3735.671(F).

**SECTION III:** To the extent necessary, Council hereby ratifies and approves the Consent attached hereto as Exhibit B.

**SECTION IV:** Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and its committees, if any, that resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code, as amended by the emergency provisions of Ohio HB 404.

**SECTION V:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to approve the subject agreement to meet the timeline set forth by FCAR and foster timely economic development in the Village.

Passed this 16th day of February, 2021.

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Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 4-2021 adopted at a meeting of the Council of the Village of Fairfax on this 16th day of February, 2021.

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Fiscal Officer