

SPECIAL ELECTION - MAY 5, 2015

Referendum on Resolution (By Petition) Berkshire Township

A majority affirmative vote is necessary for passage.

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT BY AND BETWEEN THE CITY OF DELAWARE, OHIO AND BERKSHIRE TOWNSHIP (DELAWARE COUNTY), OHIO.

WHEREAS, the City of Delaware, Ohio (the "City") and Berkshire Township (Delaware County), Ohio (the "Township") desire to facilitate economic development, preserve and create jobs and employment opportunities and improve the economic welfare of the residents of the City and the Township; and

WHEREAS, pursuant to Ohio Revised Code Sections 715.72 through 715.81 (the "JEDD Statutes"), the City and the Township have negotiated the Joint Economic Development District Contract (the "JEDD Contract") now on file with this Board creating the Berkshire Township Joint Economic Development District No. 1 (the "JEDD") as described and depicted in Exhibit A attached to the JEDD Contract; and

WHEREAS, pursuant to the JEDD Statutes, the Township published notice of the time and place of a public hearing concerning the JEDD Contract and the JEDD at least 30 days prior to that hearing; and

WHEREAS, since publication of that notice, there has been on file with the Fiscal Officer of the Township: (1) a copy of the JEDD Contract, (2) a description of the area to be included in the JEDD including a map in sufficient detail to denote the boundaries of that area and indicating the zoning restrictions applicable to that area and (3) an economic development plan for the JEDD (the "Economic Development Plan"); and

WHEREAS, pursuant to the JEDD Statutes, the City and Township delivered a copy of the proposed JEDD Contract to the Board of County Commissioners of the County of Delaware, Ohio; and

WHEREAS, this Board and the Council of the City each held a public hearing concerning the JEDD Contract and the JEDD that allowed public comment and recommendations; and

WHEREAS, the City and the Township desire to enter into the JEDD Contract;

NOW, THEREFORE, BE IT RESOLVED by a unanimous vote of the Board of Township Trustees of Berkshire Township (Delaware County), Ohio, that:

Section 1. This Board finds and determines that the creation of the JEDD pursuant to the JEDD Contract will facilitate economic development, will create and preserve jobs and

employment opportunities and will improve the economic welfare of the residents of the City and Township.

Section 2. This Board approves and ratifies the Economic Development Plan, and this Board finds and determines that the Township and the City have not entered into a separate contract for utility services.

Section 3. This Board approves the JEDD Contract and the Township Administrator is authorized on behalf of the Township to execute and deliver the JEDD Contract with any changes that are not inconsistent with this Resolution, are not materially adverse to the Township and are approved by the Township Administrator. That any such changes are not inconsistent with this Resolution, are not materially adverse to the Township and have been approved by the Township Administrator shall be conclusively evidenced by the Township Administrator's execution of the JEDD Contract.

Section 4. This Board finds and determines that the Township's approval, execution and delivery of the JEDD Contract was and will be done freely and without duress and coercion.

Section 5. The members of this Board, the Township Administrator, the Township Fiscal Officer and other appropriate officers of the Township are authorized and directed to: (i) jointly with the City, file with the Board of County Commissioners of the County of Delaware, Ohio, the documents prescribed by the JEDD Statutes to be filed with that Board, and (ii) execute and deliver such instruments and certificates necessary to effect the creation of the JEDD.

Section 6. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution, and that all deliberations of this Board and of any committees that resulted in those formal actions, were taken in meetings open to the public in compliance with the law.

Section 7. This Resolution shall be in full force and effect immediately upon its adoption.

Shall the resolution enacting a Joint Economic Development District Contract by and between the City of Delaware, Ohio and Berkshire Township (Delaware County), Ohio be approved?

YES

NO