

ORDINANCE NO. 24-054

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE ENTERPRISE ZONE AGREEMENT WITH FIRELANDS FEDERAL CREDIT UNION, RELATING TO PROPERTY LOCATED AT 329 W. PERKINS AVENUE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Firelands Federal Credit Union purchased property located at 329 W. Perkins Avenue in February 2023 for the construction of a new building and drive thru / vestibule overhang estimated to cost at least \$2.5 million; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an Enterprise Zone Agreement with Firelands Federal Credit Union, for a 10-year, 75% tax abatement on the new building by Ordinance No. 23-108, passed on May 22, 2023; and

WHEREAS, the project was completed in the fall of 2023 and on February 28, 2024, the City was notified by the Erie County Auditor's Office that commercial appraiser will not post any value for the new improvements at the Firelands Federal Credit Union building until tax year 2024 for the 2025 collection year; and

WHEREAS, it is necessary to amend the agreement to clarify this condition and make sure the amendment states that no exemption under this agreement shall commence after 2024 nor extend beyond 2033; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the amendment to reflect the updated exemption years at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This Commission hereby approves the First Amendment to the Enterprise Zone Agreement with Firelands Federal Credit Union pursuant to the terms and conditions contained therein, a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

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Section 2. The City Manager is hereby authorized and directed to execute the First Amendment to the Enterprise Zone with Firelands Federal Credit Union on behalf of the City in accordance with the terms and conditions as contained in the form of the agreement marked Exhibit "1" attached to this Ordinance and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: March 11, 2024

FIRST AMENDMENT TO
ENTERPRISE ZONE AGREEMENT

THIS FIRST AMENDMENT TO ENTERPRISE ZONE AGREEMENT (“Amendment”) is made and entered into as of this _____ day of _____, 2023 (“Effective Date”), by and between the **CITY OF SANDUSKY, OHIO** (the “City”), a municipal corporation and political subdivision duly organized and validly existing under the Constitution, its Charter, and the laws of the State of Ohio, and **FIRELANDS FEDERAL CREDIT UNION** (the “Company”), an Ohio limited liability company (each a “Party” and collectively the “Parties”).

WHEREAS, on June 2, 2023 the City and the Company entered into certain legislation, Ordinance No. 23-108 and pursuant to an executed Enterprise Zone Agreement (the “Agreement”) whereby the City granted to the Company a ten (10) year, seventy-five percent (75%) tax exemption for the real property improvements made to the Project (as defined in the Agreement) site; and

WHEREAS, The Erie County Auditor’s Office has instructed the Company and the City to change the agreement to state “no exemption under this agreement shall commence after 2024 nor extend beyond 2033.”

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Section 5 last sentence of paragraph 1 of the Agreement shall be modified to state: “No exemption under this agreement shall commence after 2024 nor extend beyond 2033.”

Except as expressly modified hereby by this First Amendment the existing terms and conditions of aforesaid Agreement are hereby confirmed and ratified and made a part of this First Amendment and the Agreement shall remain in full force and effect.

FIRELANDS FEDERAL CREDIT UNION,

By: _____

Name: Brett D. Montague, President/CEO

CITY OF SANDUSKY, OHIO

By: _____

Name: John Orzech, City Manager

The legal form of the within instrument is hereby approved.

Stewart Hastings, Director of Law, City of Sandusky