

**RESOLUTION NO.:** 2020-R09  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** FEBRUARY 11, 2020      **ASSIGNED TO:** Planning

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT NO. 1 TO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH FEDEX FREIGHT, INC, AND KW AKR, LLC FOR THE CONSTRUCTION OF A NEW 63,000 SQUARE FOOT BUILDING ON GLOBAL GATEWAY, AND DECLARING AN EMERGENCY.**

WHEREAS, Green City Council, by Ordinance 2003-02, amended by Ordinance 2004-11, Ordinance 2006-01, and 2009-19, designated the boundaries of a “Community Reinvestment Area” (“CRA”) pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of Green previously entered into a Community Reinvestment Area Agreement (“Agreement”) with FedEx Freight, Inc. and KW AKR, LLC., on or around December 12, 2017, approved by Green City Council by Resolution 2017-R71; and

WHEREAS, the parties desire to amend the exemption years, to reflect estimated completion of construction.

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

**SECTION ONE:**

The Mayor is hereby authorized to enter into an Amended Agreement, a copy of which is attached hereto and incorporated herein as Exhibit “A”.

**SECTION TWO:**

The exemption for real property improvements shall begin with first year the property is taxable, which is estimated to be Tax Year 2020/Collection Year 2021 and extend Five (5) years.

**SECTION THREE:**

Any and all terms, conditions, and obligations of the original Agreement dated December 13, 2017, not specifically modified by Exhibit “A”, shall continue to apply.

**SECTION FOUR:**

Green City Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that it is necessary for the construction to move forward immediately. Provided that this legislation receives the affirmative vote of three-fourths (¾ths) of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

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ADOPTED: MARCH 10, 2020

Molly Kapeluck  
Molly Kapeluck, Clerk of Council

[Signature]  
Barbara Babbitt, Council President

APPROVED: <sup>DM</sup> ~~April 11~~ March 11, 2020

Gerard M. Neugebauer  
Gerard M. Neugebauer, Mayor

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SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: April 11, 2020

ON ROLL CALL: Babbitt -aye Brandenburg -aye DeVitis <sup>Absent</sup> France -aye  
Shaughnessy -aye Yeargin -aye Young -aye <sup>Adopted 6-0</sup>

Suburbanite publication on March 20 and March 27, 2020

Molly Kapeluck  
Molly Kapeluck, Clerk of Council

[Signature]

02/06/2020 Approved as to form and content by Lisa Carey Dean, Director of Law

**2020-R09  
EXHIBIT "A"**

**AMENDMENT No. 1 TO A COMMUNITY REINVESTMENT AREA AGREEMENT**

This Amendment ("Amendment") is made between the City of Green, FedEx Freight, Inc. and KW AKR, LLC.

WHEREAS, the City of Green previously entered into a Community Reinvestment Area Agreement ("Agreement") with FedEx Freight, Inc and KW AKR, LLC. on or around December 13, 2017; and

WHEREAS, the parties desire to amend the exemption years, to reflect completion of construction.

1. The exemption for real property improvements shall begin with first year the property is taxable, which is estimated to be Tax Year 2020/Collection Year 2021 and extend 5 years.
2. Section 4 of the Agreement is hereby deleted in its entirety and replaced with the following:
  4. The City grants KW AKR a tax exemption for real property improvements made to the Project Site pursuant to Section 3735.67 of the Ohio Revised Code and shall be in the following amounts:

<b>Exemption Year</b>	<b>Tax Year</b>	<b>Collection Year</b>	<b>Percent</b>
1	2020	2021	100%
2	2021	2022	100%
3	2022	2023	100%
4	2023	2024	100%
5	2024	2025	100%

The percentage of the assessed value of the real property improvements shall be exempted for Five (5) years at One Hundred percent (100%).

The exemption commences the first year the real property would first be taxable were that Property not exempted from taxation. Tax exemption shall commence when 100% the real property valuation from the Project is placed on Summit County tax rolls (estimated date of January 1, 2020) and no tax exemption shall extend beyond the tax year ending December 31, 2025 ("Exemption Period"). This Agreement shall be effective as of its date and will continue in full force and effect for the Exemption Period as set forth herein.

FedEx must annually file with the City the Ohio Development Services Agency's Annual CRA Agreement Project Status Report.

3. The parties further agree that any and all other terms, conditions and obligations of the original Agreement dated December 13, 2017 and all subsequent Amendments shall continue to apply.

The parties have executed this Amendment effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF GREEN:**

\_\_\_\_\_  
By: Gerard M. Neugebauer, its Mayor

Date: \_\_\_\_\_

**FedEx Freight, Inc:**

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved as to form:**

\_\_\_\_\_  
Lisa Carey Dean, Director of Law

Date: \_\_\_\_\_

**KW AKR, LLC, an Arizona limited liability company**

By: KMK FX, LLC, an Arizona limited liability company, Manager

By: FOUR PINE, LLC, an Arizona limited liability company, Member

By:

\_\_\_\_\_  
Kevin M. Kiernan, Manager

Date: \_\_\_\_\_