

ORDINANCE NO.: 114-2021 (As Revised December 14, 2021)

INTRODUCED BY: Henry, Alexander, Lentine, Lewis and Mayor Roche

AN ORDINANCE DETERMINING THAT CERTAIN REAL PROPERTY LOCATED IN THE CITY OF RICHMOND HEIGHTS CONSTITUTES A "BLIGHTED AREA" AS SUCH TERM IS DEFINED IN OHIO REVISED CODE CHAPTER 725; AND DECLARING AN EMERGENCY.

WHEREAS, Belle Oaks Marketplace LLC (the "Developer") desires to develop and redevelop property currently owned by the Developer's affiliated entities, Richmond Heights Town Square Owner LLC and DPM 775 Richmond Wilson Road LLC, and consisting of multiple parcels of land formerly known as the Richmond Town Square Mall and surrounding parking areas (the "Project Area") as a mixed-use development of residential and retail spaces and other complementary uses within the City of Richmond Heights, Ohio ("City") (such development herein referred to as the "Project") and the Developer and City, upon formal petition, have collaborated to create a new community authority under Ohio Revised Ohio Revised Code ("O.R.C.") Chapter 349 called the Belle Oaks New Community Authority (the "Authority") to support the Project;

WHEREAS, the City anticipates that the Authority will be issuing revenue bonds supported, at least in part, by tax revenues subject to an exemption adopted by the City under a separate ordinance pursuant to O.R.C Chapter 725, and pursuant to a development agreement executed in connection therewith;

WHEREAS, in order for the City to adopt an exemption under O.R.C. Chapter 725, it is necessary for the City to determine that the Property has met the definition of a "blighted area" under O.R.C. 725.01;

WHEREAS, O.R.C 725.01 defines "blighted area" as "an area within a municipal corporation that substantially impairs or arrests the sound growth of a municipal corporation, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, contamination by hazardous substances or petroleum, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions to title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors";

WHEREAS, a detailed 87-page study performed by McBride Dale Clarion, entitled Richmond Heights Blight Study, Richmond Town Square, dated February 5, 2020 (the "Blight Study"), and on file with the Clerk of Council, was undertaken to assess the presence of blight conditions of the Project Area;

WHEREAS, due to the more recent acquisition of two additional parcels by Developer's affiliated entities to now be included in the Project and the Project Area, an Addendum to the Blight Study was produced by McBride Dale Clarion to include the two additional parcels (Permanent Parcel Nos. 662-30-105 and 662-30-098) that assessed and established the presence of blight conditions of these two additional parcels that are now part of the Project Area (a copy of the Addendum to the Blight Study, dated November 23, 2021, is on file with the Clerk of Council);

WHEREAS, the Blight Study and its Addendum consider, among other things, the location, physical condition of structures, land use, environmental influences, and the social, cultural, and economic conditions of the Project Area, in all cases using the definitions of "blighted area" in O.R.C. 725.01.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, STATE OF OHIO, THAT:

Section 1. This Council hereby accepts and adopts the Blight Study and its Addendum with respect to the Project and the Project Area.

Section 2. This Council hereby finds and determines that the Project Area meets the criteria to be defined as a "blighted area" for purposes of O.R.C. Chapter 725.

Section 3. 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City, due to the benefits resulting from implementation of the Project, the elimination of the blighted conditions at the earliest possible time, and the financing and seasonal considerations of the demolition and construction associated with the Project; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: December 14, 2021

APPROVED: December 14, 2021

ATTEST: Betsy Trabren
Betsy Trabren
Clerk of Council

David H. Roche
David H. Roche, Mayor

Eloise Cotton-Henry
Eloise Cotton-Henry
President of Council