

**ORDINANCE NO. 5 , 2015**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY OF MONTGOMERY, OHIO, AGREEMENT AND PLAN OF INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH DEVELOPMENT WITH THE MONTGOMERY COMMUNITY IMPROVEMENT CORPORATION**

**WHEREAS**, The Montgomery Community Improvement Corporation is a not-for-profit community improvement corporation organized in July 1984; and

**WHEREAS**, by Ordinance 21-1984, passed September 5, 1984, Council did designate The Montgomery Community Improvement Corporation ("CIC") as its agency to promote the industrial, commercial, distribution and research development within the City; and

**WHEREAS**, pursuant to R.C. § 1724.10, City Council did enter into an Agreement with the CIC incorporating a Plan for such economic development within the City, which Agreement and Plan were codified as a part of Code § 33.41; and

**WHEREAS**, to update such Plan and Agreement, Council does desire to amend such Agreement to be consistent with R.C. § 1724.10 to promote Council's strategic goal to promote economic development and to revitalize the Old Montgomery Gateway District by allowing the CIC to coordinate development of the abandoned dealership sites and adjoining land acquired by the City; and

**WHEREAS**, to provide flexibility for modifying such Plan or Agreement in the future, Council does desire to amend § 33.41 to allow any such future modifications to be completed without amending the Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** The City Manager is authorized to execute an amendment to the City of Montgomery, Ohio's Agreement and Plan of Industrial, Commercial, Distribution and Research Development to amend Article III (1) of such Agreement to mirror R.C. § 1724.10 and to read as follows:

*Article III. Miscellaneous.*

*1. The City may convey to the Corporation such real property, and interests in real property, owned by the City and determined by the Council no longer to be required for a specific public purpose, and when it is determined by the City Council that such conveyance of such real property or interests in real property will promote the welfare of the people of the City of Montgomery, stabilize the economy, provide employment, assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City of Montgomery, provide additional opportunities for their gainful employment, or will promote the reclamation, rehabilitation and reutilization of vacant, abandoned, tax foreclosed or other real property in the City. Such conveyance shall be for consideration, and upon the terms established between the City and the Corporation as appropriate to achieve these goals. Further, the Corporation may acquire from others additional real property or interests in real property provided, however, that any real property or interests in real property the Corporation may so acquire or convey shall be for uses that will promote the welfare of the people of the City of Montgomery, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities required for the people of the City of Montgomery and for their gainful employment, or will promote the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax foreclosed or other*

*real property in the City. Any conveyance or lease by the City to the Corporation shall be made without advertising and receipt of bids as authorized by R.C. § 1724.10 and § 50.02 of the Code of Ordinances. If any such real property or interests in real property conveyed by the City under this Agreement are sold by the Corporation at a price in excess of the consideration received by the City from the Corporation, such excess shall be paid to the City after deducting therefrom the cost incurred by the Corporation for the cost to acquire and sell such real property or real property interests, any taxes, assessments, cost of maintenance, and cost of improvement to the real property by the Corporation, and any debt service charges of the Corporation attributable to such real property or interests.*

**SECTION 2.** All other parts of such Plan and Agreement from January 31, 1985 are hereby accepted and reaffirmed.

**SECTION 3.** Section 33.41 of the Code of Ordinances shall be amended to read as follows:

§ 33.41        *Authorization for Agreement and Plan*

*The City Manager is authorized to enter into an agreement and plan of industrial, commercial distribution and research development with The Montgomery Community Improvement Corporation as permitted by Chapter 1724 of the Ohio Revised Code, and as may be separately approved from time to time by the City Council by Resolution.*

**SECTION 4.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: March 4, 2015

ATTEST: Connie M Gaylor  
Connie M. Gaylor, Clerk of Council

Todd A Steinbrink  
Todd A. Steinbrink, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director