

## NEW LEGISLATION

May 23, 2016

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-41	5/23/16	PZ	An ordinance accepting the Planning Commission one year extension for the Menards site plan at 75 Graham Road, and declaring an emergency.
A-42	5/23/16	PZ	An ordinance accepting the Planning Commission approval, findings and conditions of the major site plan for the Wallhouse Hotel on Parcel 02-18226, and declaring an emergency.
A-43	5/23/16	Fin	A resolution authorizing the Director of Public Service to apply for and accept financial assistance in the form of a grant or loan from the Ohio Public Works Commission for replacement of a 6" water main in Highland Avenue, and declaring an emergency.
A-44	5/23/16	PI	An ordinance authorizing the Director of Public Service to execute a Modification of Contract No. 7304 with Perrin Asphalt Company for the annual resurfacing and/or repair of various streets, and declaring an emergency.
A-45	5/23/16	CD	An ordinance authorizing the Director of Community Development to amend the Community Reinvestment Area tax exemption agreement with Menard Incorporated, and declaring an emergency.

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## CALENDAR

May 23, 2016

The following legislation will be up for passage at the Council Meeting on May 23, 2016.

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-38	5/9/16	Fin	An ordinance authorizing the Director of Public Service to enter into a contract, without competitive bidding, with SmartBill Ltd. for utility bill printing and mailing services, and declaring an emergency.
A-39	5/9/16	PA	An ordinance authorizing the Parks and Recreation Board to apply for and accept a grant from the Department of Natural Resources, and declaring an emergency.
A-40	5/9/16	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area tax exemption agreement with Decker Fasteners Limited, and declaring an emergency.

**PENDING LEGISLATION**

May 23, 2016

<b>Temp. No.</b>	<b>Introduced</b>	<b>Committee</b>	<b>Description</b>
A-38	5/9/16	Fin	An ordinance authorizing the Director of Public Service to enter into a contract, without competitive bidding, with SmartBill Ltd. for utility bill printing and mailing services, and declaring an emergency.
A-39	5/9/16	PA	An ordinance authorizing the Parks and Recreation Board to apply for and accept a grant from the Department of Natural Resources, and declaring an emergency.
A-40	5/9/16	CD	An ordinance authorizing the Director of Community Development to enter into a Community Reinvestment Area tax exemption agreement with Decker Fasteners Limited, and declaring an emergency.

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A-41

Presented by the Administration Upon  
Recommendation of the Planning Commission

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. - 2016

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION ONE  
YEAR EXTENSION FOR THE MENARDS SITE PLAN AT 75 GRAHAM  
ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the  
Planning Commission be submitted to Council, and

WHEREAS, on February 3, 2015, the Planning Commission recommended approval of the site plan  
for the construction of a 172,740 square foot heated retail building with 27,260 square feet of  
unheated overhang space and a 46,780 square foot unheated warehouse at 75 Graham Road.

WHEREAS, on February 23, 2015, City Council approved the site plan as recommended by  
Planning Commission, and

WHEREAS, all site plan approvals remain valid for one year following the date of City Council  
approval.

WHEREAS, on April 19, 2016, the Planning Commission recommended the extension of the site  
plan approval for an additional year.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
Summit, and State of Ohio, that:

Section 1. The City Council accepts the Planning Commission recommendation to extend the  
February 23, 2015 Menards site plan approval for 75 Graham Road for an additional year. The  
extension would allow the Site Plan to be valid until June 13, 2017.

Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions  
inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
herewith and which have not previously been repealed are hereby ratified and confirmed.

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 of any of its committees that resulted in such formal action, were in  
meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
including Chapter 107 of the Codified Ordinances.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
appropriate development of this property, and provided it receives the affirmative vote of two thirds 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 period  
allowed by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

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Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

5/23/16



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5 CITY OF CUYAHOGA FALLS, OHIO

6  
7 ORDINANCE NO. - 2016

8  
9 AN ORDINANCE ACCEPTING THE PLANNING COMMISSION  
10 APPROVAL, FINDINGS AND CONDITIONS OF THE MAJOR SITE  
11 PLAN FOR THE WALLHOUSE HOTEL ON PARCEL 02-18226, AND  
12 DECLARING AN EMERGENCY.

13  
14 WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the  
15 Planning Commission be submitted to Council, and

16  
17 WHEREAS, on May 17, 2016, the Planning Commission recommended approval of the site plan for  
18 the construction of an 8-story hotel on Parcel 02-18226, and

19  
20 WHEREAS, such approval is given subject to conditions subsequent to be satisfied, and

21  
22 WHEREAS, such approval is necessary to determine that the development meets Cuyahoga Falls  
23 General Development Code regulations and serves the public interest.

24  
25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of  
26 Summit, and State of Ohio, that:

27  
28 Section 1. The City Council approves the site plan for the construction of an 8-story hotel on  
29 Parcel 02-18226 in Cuyahoga Falls, Ohio, in accordance with Cuyahoga Falls General Development  
30 Code regulations as stipulated in the Codified Ordinances of the City of Cuyahoga Falls and as  
31 approved by the Planning Commission as per the plans and final stipulations contained in Project File  
32 MSP-16-00016.

33  
34 Section 2. Any other ordinances or resolutions or portions of ordinances and resolutions  
35 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent  
36 herewith and which have not previously been repealed are hereby ratified and confirmed.

37  
38 Section 3. It is found and determined that all formal actions of this Council concerning and  
39 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all  
40 deliberations of this Council and of any of its committees that resulted in such formal action, were in  
41 meetings open to the public, in compliance with all legal requirements, to the extent applicable,  
42 including Chapter 107 of the Codified Ordinances.

43  
44 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the  
45 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls  
46 and the inhabitants thereof, for the reason that it is immediately necessary to permit timely and  
47 appropriate development of this property, and provided it receives the affirmative vote of two thirds of  
48 the members elected or appointed to Council, it shall take effect and be in force immediately upon its  
49 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period  
50 allowed by law.

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53 Passed: \_\_\_\_\_

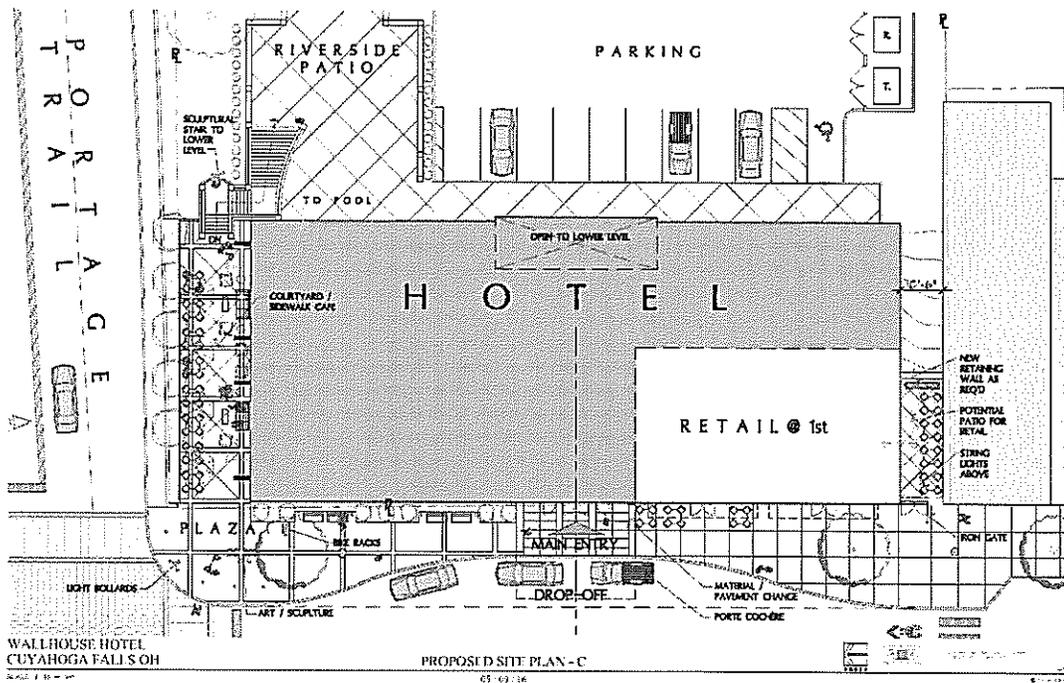
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President of Council

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57 Clerk of Council

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59 Approved: \_\_\_\_\_

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Mayor

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61 5/23/16



WALLHOUSE HOTEL  
CUYAHOGA FALLS OH

PROPOSED SITE PLAN - C

05-09-16

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2016

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9 A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC  
10 SERVICE TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE IN  
11 THE FORM OF A GRANT OR LOAN FROM THE OHIO PUBLIC  
12 WORKS COMMISSION FOR REPLACEMENT OF A 6" WATER MAIN  
13 IN HIGHLAND AVENUE, AND DECLARING AN EMERGENCY.  
14

15  
16  
17 WHEREAS, the Ohio Public Works Commission ("OPWC"), through its State Capital Improvement  
18 Program and Local Transportation Improvement Program, provides financial assistance to political  
19 subdivisions for capital improvements to public infrastructure; and  
20

21 WHEREAS, the City of Cuyahoga Falls has identified the need, plans for, and proposes a capital  
22 improvement to public infrastructure, to wit: replacement of a 6" water main with an 8" water main,  
23 including all necessary appurtenances, in Highland Avenue between Bailey Road and Victoria Street;  
24 and  
25

26 WHEREAS, the infrastructure improvement hereinabove described is considered to be a priority  
27 need for the community and is a qualified project under the OPWC program.  
28

29 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls, County of  
30 Summit and State of Ohio, that:  
31

32 Section 1. The Director of Public Service is hereby authorized to apply for and accept financial  
33 assistance in the form of a grant or loan from the Ohio Public Commission for the purpose of  
34 supporting the capital improvement consisting of replacement of a 6" water main with an 8" water  
35 main, including all necessary appurtenances, in Highland Avenue between Bailey Road and Victoria  
36 Street, by means of the State Capital Improvement Program (SCIP) and/or Local Transportation  
37 Improvement Program (LTIP) administered by the Ohio Public Works Commission.  
38

39 Section 2. The Director of Public Service is hereby authorized to enter into agreements as may  
40 be necessary to apply for and accept the financial assistance mentioned herein.  
41

42 Section 3. The Clerk is hereby directed to prepare and transmit a certified copy of this  
43 Resolution to the Ohio Public Works Commission.  
44

45 Section 4. It is found and determined that all formal actions of this Council concerning and  
46 relating to the adoption of this resolution were adopted in an open meeting of this Council, and that  
47 all deliberations of this Council and of any of its committees that resulted in such formal action,  
48 were in meetings open to the public, in compliance with all legal requirements, to the extent  
49 applicable, including Chapter 107 of the Codified Ordinances.  
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56        Section 5. This resolution is hereby declared to be an emergency measure necessary for the  
57 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga  
58 Falls and the inhabitants thereof, and provided it receives the affirmative vote of two thirds of the  
59 members elected or appointed to Council, it shall take effect and be in force immediately upon its  
60 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
61 period allowed by law.  
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65 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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72 Approved: \_\_\_\_\_

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Mayor

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2 CITY OF CUYAHOGA FALLS, OHIO

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4 ORDINANCE NO. -2016

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7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO  
8 EXECUTE A MODIFICATION OF CONTRACT NO. 7304 WITH PERRIN  
9 ASPHALT COMPANY FOR THE ANNUAL RESURFACING AND/OR REPAIR OF  
10 VARIOUS STREETS, AND DECLARING AN EMERGENCY.

11  
12 WHEREAS, under the authority of Ordinance 25-2016 the City, after competitive bidding,  
13 entered into contract No. 7304 with Perrin Asphalt Company, for the annual resurfacing  
14 and/or repair of various streets; and

15 WHEREAS, it is necessary to make additional repairs to various streets.

16  
17 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,  
18 County of Summit and State of Ohio, that:

19  
20  
21 Section 1. The Director of Public Service is hereby authorized to execute a modification  
22 of Contract No. 7304 with Perrin Asphalt Company authorizing repairs to various streets in  
23 an amount not to exceed \$250,000.

24  
25 Section 2. The Director of Finance is hereby authorized and directed to make payment  
26 for same in an amount not to exceed \$250,000 from the Capital Projects Fund, line item  
27 Capital Outlay.

28  
29 Section 3. Any other ordinances and resolutions or portions of ordinances and  
30 resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions  
31 or portions of ordinances and resolutions not inconsistent herewith and which have not  
32 previously been repealed are hereby ratified and confirmed.

33  
34 Section 4. It is found and determined that all formal actions of this Council concerning  
35 and relating to the adoption of this ordinance were adopted in an open meeting of this  
36 Council and that all deliberations of this Council and of any of its committees that resulted  
37 in such formal action were in meetings open to the public, in compliance with all legal  
38 requirements including, to the extent applicable, Chapter 107 of the Codified Ordinances.

39  
40 Section 5. This ordinance is hereby declared to be an emergency measure necessary for  
41 the preservation of the public peace, health, safety, convenience and welfare of the City of  
42 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of  
43 two-thirds of the members elected or appointed to Council, it shall take effect and be in force  
44 at the earliest period allowed by law.

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47 Passed: \_\_\_\_\_

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President of Council

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Clerk of Council

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55 Approved: \_\_\_\_\_

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Mayor

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57 5/23/16

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. -2016

6  
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF  
8 COMMUNITY DEVELOPMENT TO AMEND THE  
9 COMMUNITY REINVESTMENT AREA TAX EXEMPTION  
10 AGREEMENT WITH MENARD INCORPORATED, AND  
11 DECLARING AN EMERGENCY.  
12

13 WHEREAS, pursuant to Ordinance No. 69-2006, adopted June 26, 2006, and  
14 Ordinance No. 83-2007 adopted on June 25, 2007 this Council established and  
15 designated the boundaries of the Cuyahoga Falls Northern Community Reinvestment  
16 Area ("CRA") pursuant to Ohio Revised Code §3735.65 et seq., to encourage the  
17 development of real property within the CRA; and  
18

19 WHEREAS, the State of Ohio has made a determination that the findings  
20 contained in Ord. No. 69- 2006 and Ord. No. 83-2007 are valid, and that the  
21 classification of structures and/or remodeling eligible for exemption under the  
22 Ordinance is consistent with zoning restrictions applicable to the CRA; and  
23

24 WHEREAS, with receipt of the Director's positive determination, the City is  
25 enabled to abate certain taxes on real property located in the CRA, in order to  
26 provide an incentive for the creation and retention of jobs and investment within the  
27 CRA; and  
28

29 WHEREAS, pursuant to Ordinance No. 81-2014, this Council provided economic  
30 development assistance in the form of tax abatement to Menard Incorporated to  
31 construct a Menards home improvement and building supply store to be located on  
32 the north side of Graham Road at the former Giant Eagle location; and  
33

34 WHEREAS, Menard Inc. has completed the acquisition of land and demolition of  
35 the vacant Giant Eagle structure towards the total new project investment of  
36 \$20,100,000; and  
37

38 WHEREAS, Menard Inc. informed the City that all of Menard's projects scheduled  
39 for the 2016 construction cycle, including the project in Cuyahoga Falls, have been  
40 moved to 2017; and  
41

42 WHEREAS, Menard Inc. is requesting an amendment extending the previously  
43 approved abatement approximately one (1) year. The continuation of the project will  
44 begin on May 1, 2017 and be completed by May 1, 2018.  
45

46 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga  
47 Falls, County of Summit, and State of Ohio, that:  
48

49 Section 1. The Director of Community Development is hereby authorized to  
50 amend the Community Reinvestment Area tax exemption agreement in accordance  
51 with Ohio Revised Code §§3735.67 and 3735.671, consistent with Ordinance No. 69-  
52 2006 and Ordinance No. 83-2007 and the terms set forth in the application for tax  
53 exemption attached hereto as Exhibit A, in order to provide an exemption from real  
54 property tax at the percentage and for the duration stipulated in said application.  
55

56 Section 2. This Council further authorizes the Mayor, Director of Finance,  
57 Director of Community Development, Director of Law and any other city officials,  
58 individually and/or collectively as may be appropriate, to prepare and execute such  
59 other documents and do other things as are necessary or incidental to carrying out  
60 the requirements of this legislation consistent with the terms of the attached  
61 application.  
62

63 Section 3. Any ordinances or resolutions or portions of ordinances and  
64 resolutions inconsistent herewith are hereby repealed, but any ordinances and  
65 resolutions not inconsistent herewith and which have not previously been repealed  
66 are hereby ratified and confirmed.  
67

68 Section 4. It is found and determined that all formal actions of this Council  
69 concerning and relating to the adoption of this ordinance were adopted in an open  
70 meeting of this Council, and that all deliberations of this Council and of any of its  
71 committees that resulted in such formal action, were in meetings open to the public,  
72 in compliance with all legal requirements including Chapter 107 of the Codified  
73 Ordinances.  
74

75 Section 5. This ordinance is hereby declared to be an emergency measure  
76 necessary for the preservation of the public peace, health, safety, convenience and  
77 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it  
78 receives the affirmative vote of two thirds of the members elected or appointed to  
79 Council, it shall take effect and be in force immediately upon its passage and  
80 approval by the Mayor; otherwise it shall take effect and be in force at the earliest  
81 period allowed by law.  
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84 Passed: \_\_\_\_\_  
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86 President of Council

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89 Clerk of Council

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92 Approved: \_\_\_\_\_  
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94 Mayor

94 5/9/16

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AMENDED

EXHIBIT A

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the City of Cuyahoga Falls, Ohio located in the County of Summit and Menard, Inc., a Wisconsin Corporation.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>Menard, Inc</u>	<u>Darren Appleby</u>
Enterprise Name	Contact Person
<u>5101 Menard Drive, Eau Claire, WI 54703</u>	<u>(715)876.2274</u>
Address	Telephone Number
<u>dappleby@menard-inc.com</u>	
Contact Email (For annual CRA reporting)	

- b. Project site:

<u>Graham Road</u>	
Address	Parcel Number
<u>Tom O'Neil (715)876.2810</u>	<u>toneil@menard-inc.com</u>
Contact Person, Telephone Number,	Email address

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. Please be specific with details.

Menards home improvement and building material supply retailer.

- b. List primary 6 digit North American Industry Classification System (NAICS) #  
Business may list other relevant SIC numbers. 444110

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred): N/A

d. Form of business of enterprise. Corporation

3. Name of principal owner(s) or officers of the business. John Menard, Jr.

4. a. State the enterprise's current employment level at the proposed project site:

Full Time: Zero Part Time: Zero

- b. Will the project involve the relocation of employment positions or assets from one

Ohio location to another? Yes \_\_\_ No x

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: N/A

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): Full Time: 1,428 / Part Time: 2,168

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? N/A

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes \_\_\_ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers- N/A

6. Project Description. Be as detailed as possible:

Menard, Inc is under contract with two (2) property owners to assemble the necessary acreage to build a Menards home improvement and building supply store. This will involve the demolition of the former Giant Eagle, grading the former Giant Eagle property in conjunction with the property to the north and construction of the Menards store. The goal is to perform the bulk of this work in 2015 with store opening scheduled early 2016.

7. Project will begin on May 1, 2017 and be completed by May 1, 2018 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

Full Time: 40 / Part Time: 80

b. State the time frame of this projected hiring: Six (6) months

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): All employees will be hired in the months immediately leading up to the opening of the store.

9.

a. Estimate the amount of annual payroll such new employees will add: \$2,250,000 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: N/A

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Land:	\$4,600,000
B. Additions/New Construction:	\$7,500,000
C. Improvements to existing buildings:	\$0
D. Machinery & Equipment:	\$0
E. Furniture & Fixtures:	\$1,000,000
F. Inventory:	\$7,000,000
<b>Total New Project Investment:</b>	<b>\$20,100,000</b>

11.

a. Business requests the following tax exemption incentives: 50 % for 10 years covering the real property improvements as described above.

b. Business's reasons for requesting and AMENDMENT of application (be quantitatively specific as possible)

At present, Menard, Inc. has completed the acquisition of land towards the total new project investment. However, Menard, Inc. has decided not to make the remaining project investment in the 2016 construction season. This decision is based on continued slow economic growth as well as uncertainty over the direction the nation may take in the upcoming fall elections. As such, Menard, Inc. is requesting an Amendment extending the previously approved Community Reinvestment Area Tax Incentives of approximately one (1) year.

Submission of this application expressly authorizes the City of Cuyahoga Falls to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Menard, Inc.	Real Estate Acquisition Representative
Name of Property Owner	Title
	4-15-16
Signature	Date

**For City Use Only**

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.