

RESOLUTION NO. 2019-133

A RESOLUTION TO AMEND THE KENT-FRANKLIN JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDD) TO PROVIDE EQUAL TREATMENT IN REGARDS TO WATER SURCHARGES, AND DECLARING AN EMERGENCY.

WHEREAS, on June 27, 2006 the Township of Franklin and the City of Kent, Ohio entered into a Kent-Franklin Joint Economic Development District (JEDD) contract to create and provide for the operation of the JEDD in accordance with Section 715.72 of the Ohio Revised Code for their mutual benefit and for the benefit of their residents and of the State of Ohio; and

WHEREAS, both parties wish to amend the contract to provide for equal treatment to property owners and business owners within the District regarding water surcharges for water provided by the City of Kent, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That the Kent City Council wishes to amend the contract to provide for equal treatment to property owners and business owners within the District regarding water surcharges for water provided by the City of Kent, Ohio, and is more fully described in Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: December 18, 2019
Date

Fiala
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: December 18, 2019
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF RESOLUTION No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

KENT-FRANKLIN JEDD PROPOSED AMENDMENT

Section 7(A)(1):

Access to water service from the City's water system shall be made available to users in the District. In order, to contribute to the availability of water service, the City may acquire, construct and install certain water service facilities in the District as requested by users and in accordance with applicable water service agreements, subject to engineering, legal and economic feasibility. The City shall enter into water service agreements with water service users within the portion of the District that is not in the City for the provision of water service at rates that are equal to the rates charged to comparable users within the City as those water service rates, (the "City Water Rates") and the surcharges of the City Water Rates (the "Surcharge") are revised from time to time, ; provided that the Surcharge shall not apply to property owners or owners of businesses that are operating within the JEDD as listed in Exhibit A, and which may be amended from time to time in accordance with Section 5(B) hereof. Those water service agreements may also provide for a tap-in fee or other charge to be charged at the time of connection to the water system or at a later time, which may be paid at one time or over a ten-year period, all as set forth in those agreements. To the extent permitted by law, the Township, the City or the County, may establish special assessment procedures for the levy and collection of special assessments to pay costs of such improvements.