

TEMPORARY RESOLUTION NO. 43-15

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE WAIVER OF SECTION 7 OF THE NOVEMBER 1, 2002 AGREEMENT BETWEEN THE CITY OF LANCASTER AND THE LANCASTER AREA COMMUNITY IMPROVEMENT CORPORATION FOR INFRASTRUCTURE REPAYMENT TO THE CITY PURSUANT TO THE SALE OF APPROXIMATELY SEVEN (7) ACRES OF LAND IN ROCK MILL CORPORATE PARK PHASE II TO THE LANCASTER PORT AUTHORITY FOR CONSTRUCTION OF A SPEC BUILDING IN FURTHERANCE OF ECONOMIC DEVELOPMENT

WHEREAS, the Lancaster Port Authority Board has authorized the acquisition of approximately seven (7) acres of property from the Lancaster Area CIC in the Rock Mill Corporate Park, Phase II, for the development and construction of a 64,800 square feet spec building in furtherance of economic development and revenue generation for the Port Authority; and

WHEREAS, Section 7 of the November 1, 2002 Agreement between the City of Lancaster and the Lancaster Area CIC (attached hereto as Exhibit A) requires the CIC to reimburse the City for infrastructure costs expended by the City upon the sale of acreage in Rock Mill Corporate Park Phase II which substantially increases the cost of property acquisition to the Lancaster Port Authority; and

WHEREAS, waiver of Section 7 of the November 1, 2002 Agreement for the Lancaster Port Authority will reduce the cost of property acquisition for this project thereby allowing the Port Authority to construct the 64,800 square feet spec building;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That the City of Lancaster hereby waives Section 7 of the November 1, 2002 Agreement between the City of Lancaster and the Lancaster Area CIC for the reimbursement of infrastructure costs expended by the City for the sale of approximately seven (7) acres in Rock Mill Corporate Park Phase II to the Lancaster Port Authority for the construction of a 64,800 square feet spec building in furtherance of economic development and revenue generation for the Lancaster Port Authority.

SECTION 2. That it is the intent of Lancaster City Council to waiver Section 7 of the November 1, 2002 Agreement for the economic development interests of this specific project only, and is not a waiver for any other purposes.

SECTION 3. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

Clerk: _____

President of Council

Mayor

Offered by: _____

Second by: _____
Requested by Economic Development Committee

AGREEMENT

THIS AGREEMENT is entered into this 1st day of November, 2002, by and between The City of Lancaster, hereinafter called "City" and The Lancaster Area Community Improvement Corporation, hereinafter called "CIC."

WITNESSETH

WHEREAS, CIC desires City to provide infrastructure, i.e. water pipelines, wastewater pipelines, natural gas pipelines, roads, engineering, entrance enhancements, as well as marketing assistance, and

WHEREAS, the City owns, operates, and maintains similar infrastructure which is near the location at which the CIC desires infrastructure improvements; and

WHEREAS, the CIC wishes to enter into an agreement with the City whereby the City agrees to extend the City's infrastructure for the purpose of providing utility services to the location at which the CIC desires utility service;

NOW, THEREFORE, in consideration of the above premises and other valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the above-named parties do hereby agree as follows:

1. City does hereby agree to construct water, wastewater, and natural gas pipelines approximately 8,211 feet from City's existing pipelines, according to the City's specifications, along a mutually agreeable route, to the CIC's desired location at Rockmill Industrial Park. (See **Exhibit A**, attached hereto and made a part hereof, which details pipeline routes and approximate length.)
2. City does hereby agree to construct a water pipeline "loop" along State Route 188 to provide a redundant source of water that will directly benefit the Rockmill Industrial Park. Additionally, the City agrees to construct a water holding tank with sufficient supply and capacity to provide for fire suppression requirements at the Park.
3. City does hereby agree to construct a wastewater lift station of sufficient size and capacity to provide wastewater service to Rockmill Industrial Park.
4. City does hereby agree to construct a road approximately 8,211 feet from City's existing road, according to the City's specifications, along a mutual agreeable route, to the CIC's desired location at Rockmill Industrial Park. (See **Exhibit A**).



EXHIBIT A

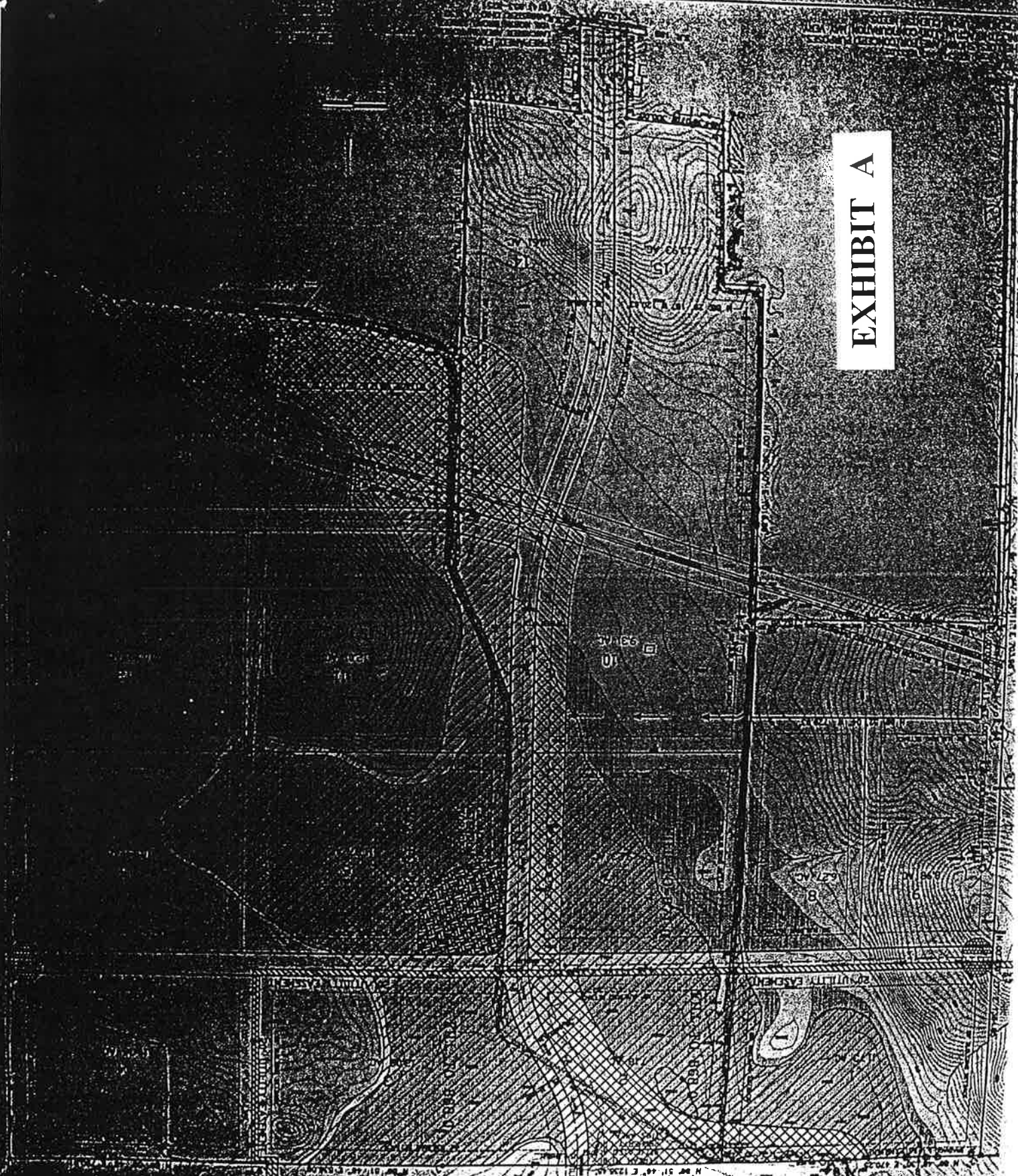


Exhibit B

CONSTRUCTION SCHEDULE

Construction Initiation Date	Improvement	Description	Footage
2003	Water	Mill Park Drive	3,980
2004	Water	St. Rt 188 Loop	11,374
2005	Water	Holding Tank	1,067
Market Determined	Water	Anchor Avenue	2,653
Market Determined	Water	Dave Johns Avenue	1,578
2003	Waste Water	Mill Park Drive	3,980
2003	Waste Water	Lift Station	n/a
Market Determined	Waste Water	Anchor Avenue	2,601
Market Determined	Waste Water	Dave Johns Avenue	1,479
2003	Road	Mill Park Drive	3,980
2003	Entrance	Enhancements	n/a
Market Determined	Road	Anchor Avenue	2,653
Market Determined	Road	Dave Johns Avenue	1,578
2003	Natural Gas	Mill Park Drive	3,980
Market Determined	Natural Gas	Anchor Avenue	2,653
Market Determined	Natural Gas	Dave Johns Avenue	1,578