

RESOLUTION NO. 3-2019

A RESOLUTION BY THE COUNCIL OF THE CITY OF NEW PHILADELPHIA OHIO AUTHORIZING THE MAYOR OF THE CITY OF NEW PHILADELPHIA TO ENTER INTO THE OHIO ENTERPRISE ZONE AGREEMENT ADDENDUM #3 WITH THE CRANE CARRIER COMPANY, LLC, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS IF FULLY REWRITTEN, FOR THE PURPOSES OF THE TAX ABETMENT DESCRIBED THEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor of the City of New Philadelphia, Ohio is seeking authorization to enter into the Ohio Enterprise Zone Agreement addendum #3 with the Crane Carrier Company, LLC, a copy which is attached hereto and incorporated herein as if fully rewritten, for the purposes of the tax abatement described therein.


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Philadelphia:

SECTION 1. The Mayor of the City of New Philadelphia is hereby authorized to enter into the Ohio Enterprise Zone Agreement Addendum #3 with the Crane Carrier Company, LLC, a copy which is attached hereto and incorporated herein as if fully rewritten, for the purposes of the tax abatement described therein.

SECTION 3. This Resolution is hereby declared to be an emergency measure, and its immediate passage is necessary in order to preserve, protect, and maintain the health, safety, and welfare of the citizens of the New Philadelphia, Ohio.

SECTION 5. This Resolution shall take effect and be in force immediately upon its passage and approval.

PASSED: April 8, 2019


SAM R. HITCHCOCK
PRESIDENT OF COUNCIL

ATTEST:


JULIE COURTRIGHT
CLERK OF COUNCIL

APPROVED:


JOEL B. DAY
MAYOR

SPONSORED BY: PUBLIC WORKS AND ECONOMIC DEVELOPMENT COMMITTEE

Approved 95
to Form
Munis T-Ged
2/28/19

OHIO ENTERPRISE ZONE AGREEMENT ADDENDUM #3

This Enterprise Zone Agreement Addendum #3 is made and entered into by and between **THE CITY OF NEW PHILADELPHIA, TUSCARAWAS COUNTY, OHIO**, a Municipality Government organized under the laws of the State of Ohio, with its main office located at 150 E. High Avenue, New Philadelphia, OH 44663 (hereinafter referred to as "NEW PHILADELPHIA" or "CITY") this agreement recognizes that the CITY was not party to the original agreement executed by the Goshen Township Trustees but the agreement is still in effect and the Real Property has subsequently been annexed by the CITY, which is now the legal public entity with jurisdiction over the property, **the CRANE CARRIER COMPANY, LLC** (hereinafter referred to as "CRANE"), a Michigan Limited Liability Company, with its main offices located at 1951 Reiser Ave SE, New Philadelphia, OH 44663, which has purchased the New Philadelphia assets of the KIMBLE MIXER COMPANY (hereinafter referred to as "KIMBLE" or "KMC" and the **HSV G PROPERTY COMPANY, LLC** (hereinafter referred to as "HSV G", both Michigan Limited Liability Companies, with their main offices located at 1218 East Pontaluna, Suite B, Spring Lake, MI 49456.

NEW PHILADELPHIA and CRANE all agree as follows:

- 1.) From and after the date CRANE acquires the New Philadelphia Assets of KIMBLE and HSV G, CRANE shall receive the Enterprise Zone tax benefits as they pertain to real property taxes. all references to KIMBLE and/or HSV G in regard to the real property ownership and real property tax incentives and benefits in the AGR EEMENT shall now be interpreted to read as CRANE. This recognizes that CRANE was not the original party to the AGR EEMENT, but that CRANE has assumed all responsibilities going forward of both KIMBLE and HSV G as it pertains to the New Philadelphia assets and operations, effective upon CRANE's purchase of the PROPERTY in regard to the real property portion of the AGREEMENT.
- 2.) Amendment to Item 6 page 5 of the original Agreement. It is hereby agreed that the AGREEMENT is amended as follows:

Item #6.), page #5 of the original AGREEMENT reads as follows:

OHIO ENTERPRISE ZONE AGREEMENT ADDENDUM #3

6.) Goshen Township hereby grants KIMBLE a tax exemption for real property improvements made to the PROJECT site pursuant to Section 5709.62, 5709.63 or 5709.632 of the Ohio Revised as follows:

Year of Tax Exemption	Tax Exemption Amount
YR #1	75%
YR #2	75%
YR #3	75%
YR #4	75%
YR #5	75%
YR #6	75%
YR #7	75%
YR #8	75%
YR #9	75%
YR #10	75%

The exemptions commence the first year for which the real Property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2008 nor extend beyond December 31, 2018. KIMBLE must file the appropriate tax forms (DTE 23) with the County Auditor.

This item should be amended to read as follows:

6.) The CITY hereby grants CRANE a tax exemption for real property improvements made to the PROJECT site pursuant to Section 5709.62, 5709.63 or 5709.632 of the Ohio Revised as follows:

Year of Tax Exemption	Tax Exemption Amount
YR #1	75%
YR #2	75%
YR #3	75%
YR #4	75%
YR #5	75%
YR #6	75%
YR #7	75%
YR #8	75%
YR #9	75%
YR #10	75%
YR #11	75%

OHIO ENTERPRISE ZONE AGREEMENT ADDENDUM #3

YR #12	75%
YR #13	75%
YR #14	75%
YR #15	75%

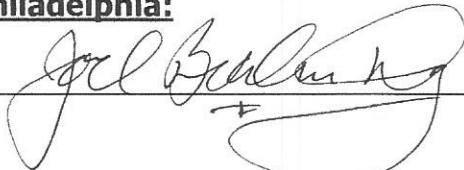
The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. Years #11 through #15 will commence with the second-half taxes for tax-year 2018 due to the exemption being removed before it could be amended.. No exemption shall commence after December 31, 2008 nor extend beyond June 30, 2023, payable in January of fiscal year 2024. CRANE must file the appropriate tax forms (DTE23) with the County Auditor.

The parties further agree that all other terms and conditions contained in the prior agreement not specifically modified herein shall remain in full force and effect,

IN WITNESS WHEREOF, the CITY pursuant to Ordinance/Resolution No. _____, has caused this instrument to be executed this ____ day of _____, 2019, by _____ Joel Day the CITY's Mayor, CRANE by _____, its _____, have caused this agreement to be executed on the day and year first stated above.

City of New Philadelphia:

By (Joel Day)
(Mayor)



Crane Carrier Company (formerly known as Kimble Mixer):

By (Jim H. Smithl)

(Interim CFO) Crane Carrier Company
