

RESOLUTION NO. 40 - 07

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO AMEND THE ENTERPRISE ZONE AGREEMENT BETWEEN THE CITY OF ORRVILLE, OHIO AND THE SMITH DAIRY PRODUCTS COMPANY, DATED FEBRUARY 12, 1997, AND AMENDED ON AUGUST 18, 2004.

WHEREAS, the City of Orrville, Ohio, a municipal corporation (hereinafter referred to as "City") and the Smith Dairy Products Company, an Ohio corporation, (hereinafter referred to as "Smith Dairy") did enter into an Enterprise Zone Agreement (hereinafter referred to as the "Agreement") on February 12, 1997;

WHEREAS, the Agreement was amended by the parties on August 18, 2004;

WHEREAS, Smith Dairy Properties, Inc., is an Ohio corporation with its main offices located at 1381 Dairy Lane, P.O. Box 87, Orrville, Ohio 44667;

WHEREAS, Smith Dairy Properties, Inc. wants to be a party to the Agreement as amended and subject to all its terms and conditions;

WHEREAS, state law requires the Wayne County Commissioners to approve any modifications to the Agreement; and

WHEREAS, the City and Smith Dairy have agreed to make modifications to the Agreement in the manner set forth herein;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Orrville, Ohio:

Section 1: That the Safety-Service Director is hereby authorized to modify the Agreement as amended between the City and Smith Dairy by joining Smith Dairy Properties, Inc. and the Wayne County Commissioners as parties to the Agreement as amended; and

Section 2: Except as herein modified, all other terms and conditions of said Agreement as amended on shall remain the same.

Section 3: That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed this _____ day of _____ 2007.

President of Council

Attest:

Approved:

Clerk of Council

Mayor