

AN ORDINANCE CORRECTING ORDINANCE NO. 95-2021 PREVIOUSLY PASSED BY COUNCIL ESTABLISHING A TAX INCREMENT FINANCING PROGRAM, DECLARING A PORTION OF THE IMPROVEMENTS TO SUCH PARCELS EXEMPT FROM REAL PROPERTY TAXATION, SO AS TO PROPERLY EXPRESS COUNCIL'S ORIGINAL INTENTION AND UNDERSTANDING IN PASSING ORDINANCE 95-2021; AND DECLARING AN EMERGENCY

WHEREAS, Council passed Ordinance No. 95-2021 on October 21, 2021 to implement a tax increment financing program under Ohio R.C. Section 5709.40 and related statutory authority to provide funds to pay for the costs of certain public infrastructure improvements as described in the Ordinance 95-2021 in support of the proposed development of those properties described therein and to be benefitted thereby; and

WHEREAS, Council declared in Ordinance No. 95-2022 that seventy-five percent (75%) of the increase in assessed value for each parcel during the exemption period to be public purpose exempt from taxation; and

WHEREAS, due to an inadvertent clerical error and contrary to the original intention and understanding of Council, information pertaining to the exemption period was omitted from Ordinance No. 95-2022; and

WHEREAS, Ordinance No. 95-2021 must be corrected and clarified in order for the developer and/or Village to file for an application for real property tax exemption; and

WHEREAS, in accordance with its continuing jurisdiction over its records and its resulting power to determine and assure the correctness of Council records, Council has determined that it is necessary to pass this ordinance to correct Ordinance No. 95-2021 to express properly Council's original intention and understanding of the exemption period for the subject parcels.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. Council hereby incorporates and confirms the recitals set forth in this Ordinance and hereby authorizes and directs that Ordinance No. 95-2021 be corrected to include information pertaining to the exemption period as set forth in Exhibit "A," which is attached hereto and expressly incorporated herein, so as to demonstrate accurately and with finality Council's original intention and understanding in enacting Ordinance No. 95-2021 with respect to the exemption period.

SECTION 2. Council hereby ratifies and confirms Ordinance No. 95-2021 as corrected is and has been in effect at all times from and after October 21, 2021, and all actions and proceedings heretofore were taken in accordance therewith.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to 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 legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution is hereby declared to be an emergency measure, necessary for the immediate preservation of the health, safety and welfare of the residents of the Village and for the further reason that this Resolution must be immediately effective in order to permit the timely filing and processing of applications for real property tax exemption; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 11-9-2022




President of Council



Mayor

Dated: 11/9/2022

ATTEST:



Clerk of Council

EXHIBIT "A" TO ORDINANCE NO. 68-2022

As Amended 10/20/2021

ORDINANCE NO. 95-2021

Offered by All of Council

AN ORDINANCE CREATING A TAX INCREMENT FINANCING INCENTIVE DISTRICT; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICT; AND DECLARING AN EMERGENCY

WHEREAS, this Council desires to facilitate the development and construction of commercial businesses in the following proposed incentive district for economic development purposes and an approximately 127-acre residential subdivision to include not more than 130 single-family homes as the Briarwood Estates Subdivision in order to increase the Village's tax base and provide available housing options within the Village (the "Project");

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements at this time which will also serve commercial development within the incentive district in the future;

WHEREAS, to facilitate the current development of the Project, and pay the associated costs of the public infrastructure improvements referenced below, this Council has determined to create the Brecksville Road/State Route 303 Incentive District (the "Incentive District") pursuant to Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the "TIF Act"), the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property specifically identified and depicted in Exhibit "A", attached hereto, as currently or subsequently configured, including any subdivisions or consolidations (the "Parcels", with each such parcel referred to herein individually as a "Parcel").

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. This Council hereby: (i) adopts the Economic Development Plan for the Incentive District now on file with the Clerk of the City Council, (ii) accepts and adopts the Village Engineer's certification to this Council and the Village Engineer's findings set forth therein: (a) that the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan, and (b) that the Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, (iii) finds and determines that the Project will place additional demand on the Public

EXHIBIT "A" TO ORDINANCE NO. 68-2022

Infrastructure Improvements, (iv) finds and determines that the Village sent written notice of the public hearing regarding this Ordinance by first class mail to each owner of real property within the proposed Incentive District at least thirty (30) days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by Section 5709.40(C)(2) of the Ohio Revised Code, (v) finds and determines that this Council has not received a request from the owner of any real property within the proposed Incentive District to exclude that owner's property from the Incentive District, (vi) finds and determines that notice of this Ordinance has been delivered to the Boards of Education of the Revere Local School District and the Cuyahoga Valley Career Center in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code. Pursuant to the TIF Act, this Council creates the Incentive District, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit "A", attached hereto and expressly incorporated by reference herein.

- SECTION 2. This Council designates the Public Infrastructure Improvements described in Exhibit "B" which is attached hereto and expressly incorporated herein by reference, and together with any public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by or on behalf of the Village, or caused to be made by the Village, that benefit or serve, or that once made will benefit or serve, the Parcels in the Incentive District.
- SECTION 3. Pursuant to and in accordance with the provisions of Section 5709.40(C) of the Ohio Revised Code, this Council hereby declares that seventy-five percent (75%) of the increase in assessed value of each Parcel (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Section 5709.40(A)) during the "Exemption Period" as hereinafter defined is a public purpose and exempt from taxation. The Exemption Period shall be determined on a parcel by parcel basis for each Parcel within the Incentive District and shall commence with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure first appears on the tax list and duplicate of real and public utility property for such Parcel within the Incentive District, but not later than tax year ~~20~~2026 and ends on the earlier of: (a) ten (10) years after such commencement, or (b) the date on which the Village can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act.
- SECTION 4. Pursuant to Section 5709.42 of the Ohio Revised Code, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel during the Exemption Period to the Summit County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the

EXHIBIT "A" TO ORDINANCE NO. 68-2022

"Service Payments"), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer during the Exemption Period in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6 of this Ordinance.

SECTION 5. This Council hereby establishes the Brecksville Road/State Route 303 Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the Village and shall receive all distributions to be made to the Village pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the Village with respect to the Improvement of each Parcel during the Exemption Period and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Act or this Ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the Village's General Fund, all in accordance with the TIF Act.

SECTION 6. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollbacks Payments during the Exemption Period to the Village for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including without limitation, any debt charges on any notes or bonds issued to pay or reimburse the costs of the Public Infrastructure Improvements, any payments required to be made to third parties pursuant to a written agreement with the Village for payment or reimbursement of costs of the Public Infrastructure Improvements paid by such third parties, costs incurred by the Village in connection with the construction, completion and/or maintenance of such Public Infrastructure Improvements and any costs incurred in connection with financing for those improvements. All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 7. This Council hereby authorizes and directs the Mayor, the Director of Finance, the Director of Law, the Clerk of Council, or other appropriate officers of the Village to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments. This Council further hereby authorizes and directs the Mayor, the Director of Finance, and Director of Law of the Village to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Ordinance.

EXHIBIT "A" TO ORDINANCE NO. 68-2022

SECTION 8. Pursuant to 5709.40(I) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 hereof remains in effect, the Director of Finance or other authorized officer of the Village is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 9. It is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that the all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of this Village, and for the further reason that this Ordinance is required to be immediately effective to allow for the Village's undertaking of the Improvements, which are necessary to the continued economic vitality of the Village, at the earliest possible time; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto or six affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise it shall be in full force and effect after the earliest period allowed by law.

PASSED: _____

Council President

Mayor

Date: _____

ATTEST

Clerk of Council

EXHIBIT "A" TO ORDINANCE NO. 68-2022

EXHIBIT "A"

IDENTIFICATION AND MAP OF PARCELS

The outlined area on the following map specifically identifies and depicts the parcels and the boundaries of the Incentive District, and constitute part of this Exhibit "A". The Permanent Parcel Numbers are:

Briarwood Neighborhood:

PARCEL
NO.

5001639
5001766
5001765
5001767
5001768
5001745
5001769
5001770
5001779
5001780
5001782
5001781
5001778
5001771
5001777
5001783
5001785
5001772
5001786
5001776
5001787
5001788
5001775
5001789
5001790
4801230
5001791
5001792
5001773
5001774
4801437
4801198

EXHIBIT "A" TO ORDINANCE NO. 68-2022

5001784
4800567
4800563
4800812
5002649
5001793
5001881
5001882
4801438
4801441
5001643
5001649
5001650
5001651
5001648
5001646
5001647
5001645
5001657
5001656
5001659
5001658
5001653
5001652
5001655
5001654
5001644
5001660
5001663
5001664
5001670
5001667
5001666
5001665
5001669
5001668
5001662
5001661
5001671
5001676
5001675
5001678
5001677

EXHIBIT "A" TO ORDINANCE NO. 68-2022

5001672
5001674
5001673
5002844

East Brecksville/303 Neighborhood:

PARCEL
NO.

5000012
5000013
5000028
5000029
5000105
5000193
5000195
5000196
5000197
5000200
5000237
5000306
5000385
5000460
5000549
5000550
5000583
5000645
5000647
5000667
5000809
5000858
5000872
5000909
5000943
5001075
5001103
5001112
5001232
5001271
5001272
5001296

EXHIBIT "A" TO ORDINANCE NO. 68-2022

5001395
5001869
5001871
5002265
5002278
5002320
5002321
5002323
5002327
5002330
5002331
5002332
5002333
5002334
5002348
5002477
5002478
5002687
5002849
5002903

West Brecksville Neighborhood:

PARCEL
NO.
5001044
5001476
5000242
5000445
5000898
5002578
5002579
5002481
5002775
5000947
5001895
5001582
5002893
5001915
5002698
5001913

EXHIBIT "A" TO ORDINANCE NO. 68-2022

5002909
5000856

Proposed TIF District - 297.5 acres



7/29/2021, 11:01:55 AM

— Road Labels

Summit County Municipal Outlines

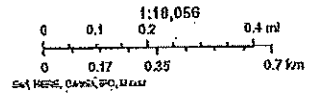


EXHIBIT "A" TO ORDINANCE NO. 68-2022

EXHIBIT "B"

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consists of any "public infrastructure improvements" defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves parcels in the Incentive District and specifically include, but are not limited to, the "Public Infrastructure Improvements" described in the Development and Construction Agreement, dated 12/18/2021 and the Ancillary Agreement to the Development and Construction Agreement, dated 7/28/2021 (as may be amended from time to time) and expressly incorporated herein by reference, including any further improvements determined to be necessary or appropriate for, or ancillary to, the construction of such Public Infrastructure Improvements, and any of the following improvements that will benefit or serve parcels in the Incentive District and all related costs of those permanent improvements, including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code:

- **Parks.** Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, together with all appurtenances thereto;
- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in "Roadways" above;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare;
- **Real Estate.** Acquisition and demolition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements or (b) in aid of industry, commerce, distribution or research; and

EXHIBIT "A" TO ORDINANCE NO. 68-2022

- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.

