

**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

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-- 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

“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.

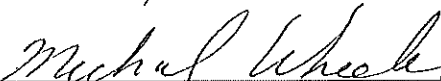
SECTION 8. Pursuant to 5709.40(I) of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption 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: 10-21-2021

  
\_\_\_\_\_  
Council President

  
\_\_\_\_\_  
Mayor

Date: 10/21/2021

ATTEST


  
\_\_\_\_\_  
Clerk of Council

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

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

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

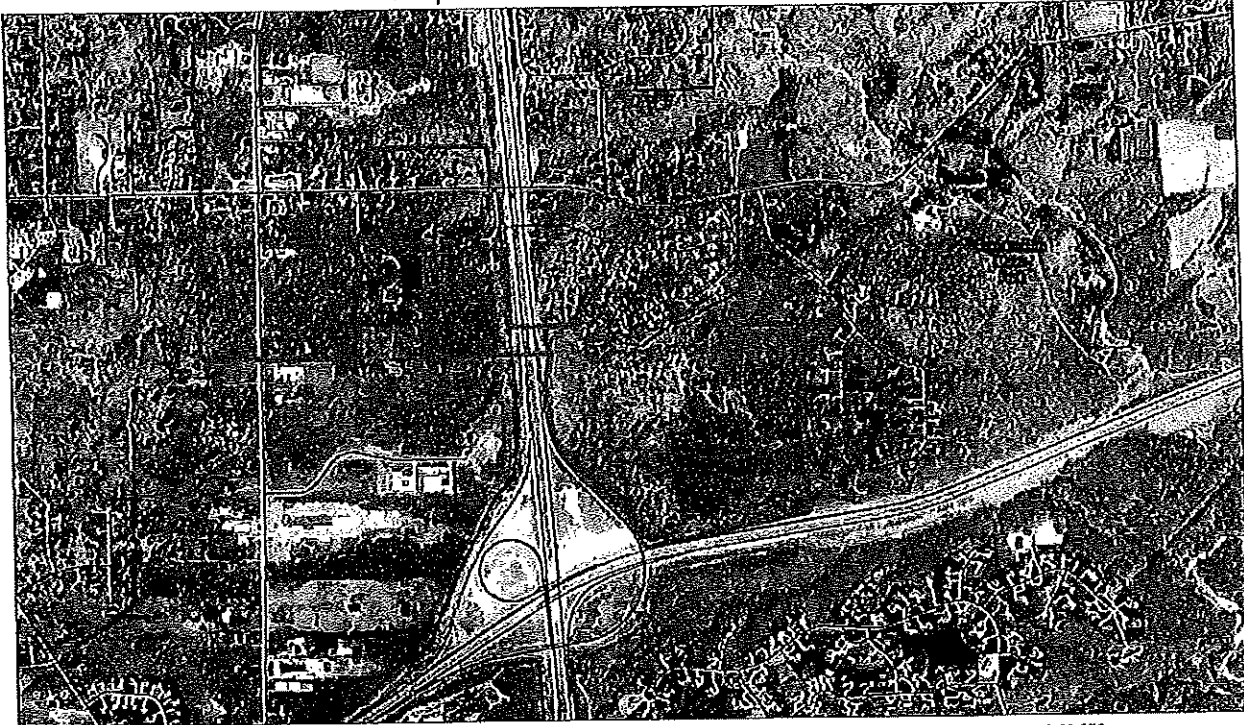
5001395  
5001869  
5001871  
5002265  
5002278  
5002320  
5002321  
5002323  
5002327  
5002330  
5002331  
5002332  
5002333  
5002334  
5002348  
5002477  
5002478  
5002687  
5002849  
5002903

**West Brecksville Neighborhood:**

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

5002909  
5000856

Proposed TIF District - 297.5 acres



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

— Road Labels

□ Summit County Municipal Outlines

1:18,056  
0 0.1 0.2 0.4 mi  
0 0.17 0.25 0.7 km  
ENVIRO, CANON, PC, 11/21/11

## 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

- **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.

