

ORDINANCE 34-2024

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS; EXEMPTING SUCH IMPROVEMENTS FROM AD VALOREM REAL PROPERTY TAXATION; REQUIRING THE OWNER OF THE IMPROVEMENTS TO MAKE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES AND ESTABLISHING A MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM PROPERTY TAXES, ALL PURSUANT TO SECTIONS 5709.40, 5709.42 AND 5709.43 OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Revised Code (the "Act") provide that this Council may describe public improvements to be made that directly benefit certain parcels and declare "Improvements" (as defined in Section 5709.40) with respect to such parcels of real property located in the Village to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of ad valorem real property taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, that certain parcel of real property in the Village known as Permanent Parcel No. 5003110, 2920 Brecksville Road, Richfield, Ohio 44286, as more particularly described in Exhibit A attached hereto (the "TIF Site") will have certain development activities undertaken on said TIF Site, including but not limited to construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities (the "Project"); and

WHEREAS, in order to successfully develop the TIF Site and complete the Project, it is necessary to construct or to cause to be constructed certain public infrastructure improvements as defined in Section 5709.40(A)(8) of the Revised Code and as further described in Exhibit B attached hereto (the "Public Infrastructure Improvements") that will directly benefit the TIF Site; and

WHEREAS, the Public Infrastructure Improvements and the Project are a public purpose of the Village, and provide the conditions necessary to permit the Village to lawfully exempt the TIF Site from real property taxation as authorized herein; and

WHEREAS, the presence of the Project in the Village will benefit the Village and its residents by creating economic opportunities, increasing local employment opportunities, enlarging the property tax and income tax bases, and stimulating collateral development in the Village; and

WHEREAS, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu taxes with respect to the Improvement of the TIF Site, pursuant to Section 5709.42 of the Revised Code, to pay costs of the Public Infrastructure Improvements; and

WHEREAS, the TIF Site is located in the Revere Local School District and the Board of Education of the Revere Local School District has been provided notice in accordance with Section 5709.83 of the Ohio Revised Code;

WHEREAS, the TIF Site is also located in the Cuyahoga Valley Joint Vocational School District and the Board of Education of the Cuyahoga Valley Joint Vocational School District has been provided notice in accordance with Section 5709.83 of the Ohio Revised Code;

WHEREAS, the Revere Local School District and the Cuyahoga Valley Joint Vocational School District shall receive their full portion of real estate taxes based on their tax rates.

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

Section 1: The Public Infrastructure Improvements described in **Exhibit B** are hereby designated as those public improvements that directly benefit, or that once made will directly benefit, the TIF Site and the Village and, together with the balance of the Project, are determined to be necessary for the public health, safety and welfare, and a public purpose.

Section 2: Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Revised Code, this Council hereby finds and determines that 100% of the increase in the assessed value of the TIF Site that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in Section 5709.40(A)(4)) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose, for a period not to exceed 30 years and exempt from taxation commencing, for each parcel, with the first tax year that begins after the effective date of this Ordinance and in which an improvement resulting from the construction of a structure on that parcel first appears and ending on the date the Improvements have been exempted from taxation for a period of 30 years (the "Exemption Period"); provided, however, that certain compensatory payments shall be paid to the School District in the amounts and on the dates as provided in Section 4 herein.

Section 3: As provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvements are hereby required to and shall pay the service payments in lieu of ad valorem real property taxes to the Summit County Fiscal Officer (unless otherwise authorized and directed in writing by the County of Summit) on or before the final dates for payment of real property taxes, which service payments in lieu of ad valorem real property taxes, together with any associated rollback payments shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 4. Any late payments of service payments in lieu of ad valorem real property taxes be subject to penalty and bear interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Revised Code, as may hereinafter be amended, or any successor provisions thereto (the late payments together with the service payments in lieu of ad valorem real property taxes and rollback payments are

referred to collectively as the "Service Payments"). This Council hereby authorizes the Mayor, the Finance Director, the Law Director and other appropriate officers of the Village, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary or incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4: This Council hereby (a) establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Municipal Tax Increment Equivalent Fund (the "Fund") into which there shall be deposited all of the Service Payments with respect to the Improvements on the TIF Site by or on behalf of the Village, as provided in Section 5709.42 of the Revised Code, and (b) agrees that moneys in the Fund shall be used solely for the following purposes and in the following order:

- (i) first, to the School District, a portion of the Service Payments received by the Village equal to the amount of the taxes that would have been payable to the School District if the Improvements had not been exempted from taxation by this Ordinance (the "School District Payments");
- (ii) second, to the Village, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements.

The Fund shall be maintained in the custody of the Village and shall receive all distributions of Service Payments required to be made to the Village. The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with Section 5709.43.

Section 5: This Council hereby designates the Public Infrastructure Improvements described in **Exhibit B** as "Public Infrastructure Improvements" as defined in Section 5709.40(A)(8) of the Revised Code.

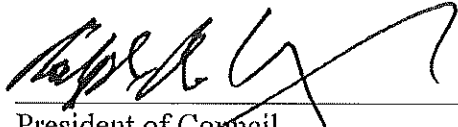
Section 6: This Council further hereby authorizes and directs the Mayor, the Finance Director, Law Director, or other appropriate officers of the Village to sign and execute all documents and make such arrangements as are necessary and proper for (i) collection of the Service Payments to be deposited in the Fund, (ii) payment of the School District Payments and (iii) carrying out the provisions of this Ordinance.

Section 7: Pursuant to Section 5709.40(I) of the Revised Code, the Clerk of Council is hereby directed to deliver or cause to be delivered a copy of this Ordinance to the Director of the Ohio Development Services Agency (the "Director") within 15 days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 remains in effect, the Mayor, the Administrative Officer, the Director of Finance, or other authorized officer of this Village shall prepare and submit to the Director the status report required under Section 5709.40(I).


Section 8: That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9: This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the necessity of providing incentives to the necessary public infrastructure improvements, thereby providing for the creation of jobs and employment opportunities and improving the economic welfare of the people of the Village; wherefore, this ordinance shall take effect and be in force from and after its passage.

PASSED: 5-7-2024

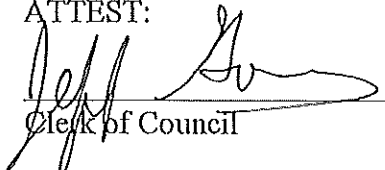


President of Council



Mayor

Dated: 5/10/2024

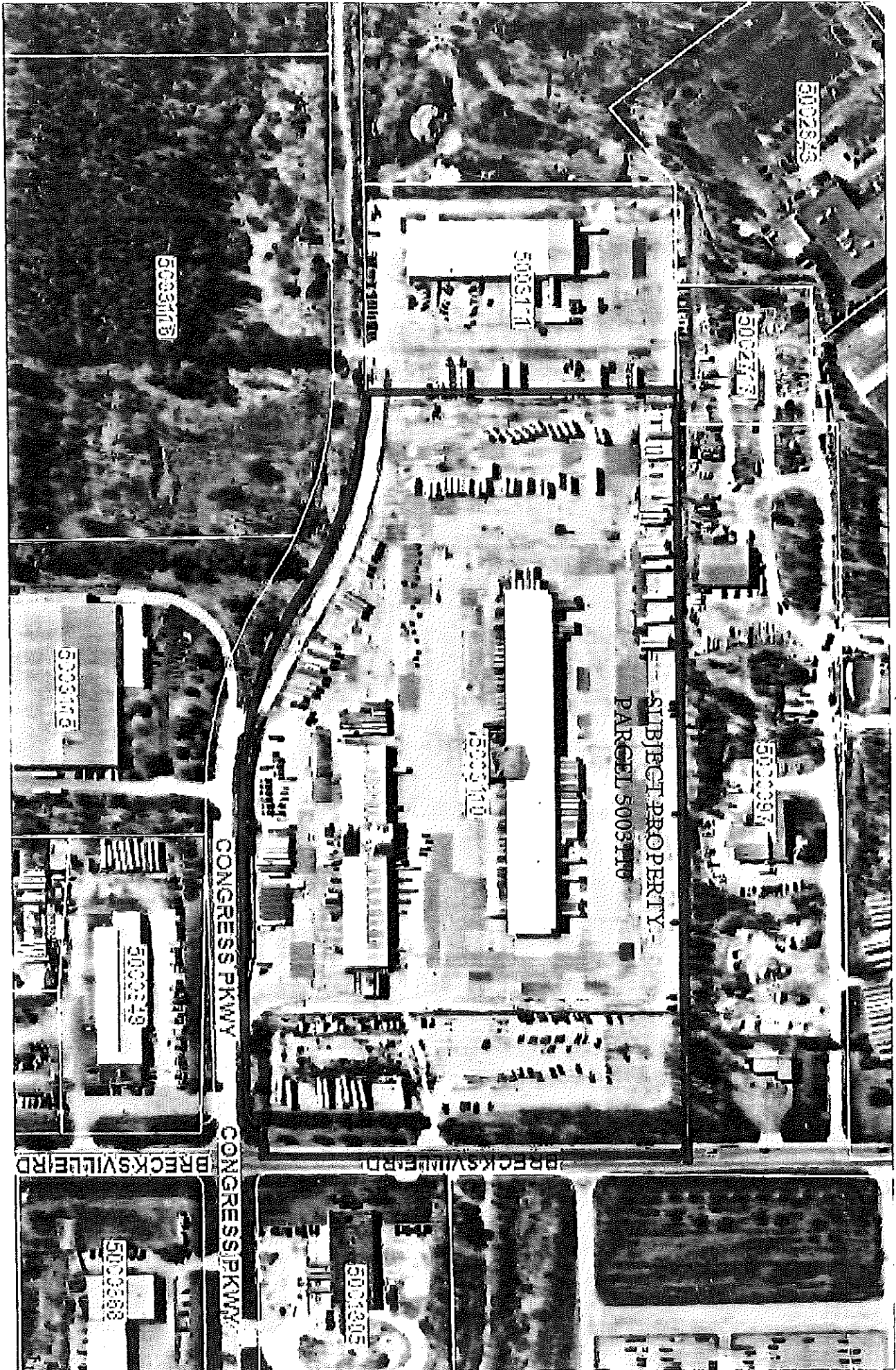
ATTEST:


Clerk of Council

EXHIBIT A

TIF SITE

The real property located at 2920 Brecksville Road, Richfield, Ohio 44286, Permanent Parcel ID 5003110 in the Summit County Records.



5002825

5003171

5002635

5003113

5003443

SUBJECT PROPERTY
PARCEL 5003110

5003110

5003097

CONGRESS PKWY

5003249

BRECKSVILLE RD

5003308


5003205

CONGRESS PKWY

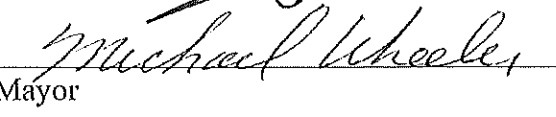
5003308

SECTION 4. This Ordinance shall be in full force and effect after the earliest period allowed by law.

PASSED: 5-7-2024

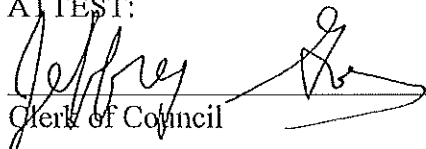


President of Council



Mayor

Dated: 5/10/2024

ATTEST:


Clerk of Council

AN ORDINANCE AMENDING SECTION 121.03(t) OF THE ADMINISTRATIVE CODE PERTAINING TO RULES AND REGULATIONS OF COUNCIL AND THE ORDINANCES AND RESOLUTIONS OF COUNCIL TO CLARIFY THAT REGULAR MEETINGS CAN BE HELD ON TUESDAYS WHEN A PRIMARY OR SPECIAL ELECTION OCCURS

WHEREAS, Council desires to amend Section 121.03(t) of the Codified Ordinances to clarify that Council can hold a regular meeting on Tuesdays when a primary or special election occurs.

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

SECTION 1. Section 121.03(t), "Rules and Regulations" of Chapter 121, Council of the Administrative Code of the Codified Ordinances of the Village of Richfield is hereby amended as follows:

"121.03 RULES AND REGULATIONS.

(t) Regular meetings shall be held on the first and third Tuesday of every month at 6:30 p.m. in the Council Chambers. If the first or third Tuesday falls on a holiday or on an election day that is not a primary or special election, then on the following Wednesday. Emergency and/or special meetings shall be in accordance with Section 4.09 of the Charter of the Village.

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SECTION 2. That any ordinances or resolutions in conflict with the foregoing are hereby repealed.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

EXHIBIT B

DESCRIPTION OF THE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under ORC Section 5709.40(A)(8) and that directly benefits or serves TIF Site and specifically include, but are not limited to and any of the following improvements that will directly benefit or serve parcels in the TIF Site and all related costs of those permanent improvements (including, but not limited to, those costs listed in ORC Section 133.15(B))

- Construction of or improvements to public streets, utilities, pedestrian access and public facilities or improvements in and around the TIF Site or directly benefiting or serving the TIF Site, including off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities and related equipment.
- Construction, reconstruction and installation of stormwater and flood remediation projects and facilities in and around the TIF Site or directly benefiting or serving the TIF Site, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare;
- The construction and provision of water and sewer lines, storm water and flood remediation, and the provision of gas, electric, and communication service facilities for or related to the TIF Site, adjoining territory and other nearby areas.
- 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.
- Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish any of the foregoing improvements, including acquisition of park and open space within or adjacent to the TIF Site, buffering between economic development areas and residential areas for purposes of economic development within the Village of Richfield;
- Creation of a façade/property improvement grant and/or loan program for structures located in the Village;

EXHIBIT A

Situated in the Village of Richfield, County of Summit, State of Ohio, and known as being part of Original Richfield Township Lot 7, Tract 3, also known as being part of a parcel of land conveyed to Seabreeze North Corporation as recorded in O.R. 1494, P. 222-231 of the Summit County Recorder's records and being further bounded and described as follows:

Commencing at the northeasterly corner of Congress Parkway-60' wide as recorded in Plat Book 73, P. 62 of the Summit County Recorder's records, said point being witnessed by a 1/2" iron pin (capped "Kukls 5078") found South 89°16'22" West, 50.00', said point also being on the easterly line of said Lot 7, also being the original centerline of Brecksville Road (C.H. 17) (AKA Cleveland-Massillon Rd.), said point also being the TRUE PLACE OF BEGINNING for the parcel of land herein described;

Thence South 89°16'22" West, along the northerly right-of-way line of said Congress Parkway, a distance of 50.00 feet to said 1/2" iron pin (capped "Kukls 5078");

Thence, continuing along the northerly right-of-way line of said Congress Parkway, along the arc of a curve to the right, having a radius of 25.00 feet, a delta of 89°53'12", a chord distance of 35.32 feet, a chord bearing South 44°12'58" West, and an arc length of 39.22 feet, to a point of tangency (said point being witnessed by a 1/2" iron pin (capped "Kukls 5078") found North 49°09'34" East, 2.85');

Thence South 89°09'34" West, continuing along the northerly right-of-way line of said Congress Parkway, a distance of 572.11 feet to a point of curvature, (said point being witnessed by a 1/2" iron pin (bent) found South 52°14'34" West, 4.43');

Thence, continuing along the northerly right-of-way line of said Congress Parkway, and along the northerly right-of-way line of Congress Parkway-60' wide, as recorded in Document No. _____ of the Summit County Recorder's records, along the arc of a curve to the right, having a radius of 686.20 feet, a delta of 34°08'10", a chord distance of 402.81 feet, a chord bearing North 73°46'21" West, and an arc length of 408.83 feet, to a point of reverse curvature (said point being witnessed by a 1/2" iron pin (capped "Kukls 5078") found 0.30" NW);

Thence, continuing along the northerly right-of-way line of said Congress Parkway as recorded in Document No. _____, along the arc of a curve to the left, having a radius of 746.20 feet, a delta of 31°19'44", a chord distance of 402.95 feet, a chord bearing North 72°22'08" West, and, passing over said 1/2" iron pin (capped "Kukls 5078") found at an arc length of 0.30", an arc length of 408.01 feet to a 5/8" iron pin (capped "Lewis Land Professionals") set;

Thence North 00°41'47" West, a distance of 590.61 feet to a 5/8" iron pin (capped "Lewis Land Professionals") set;

Thence North 89°00'23" East, along the southerly line of a parcel of land conveyed to Emil Pawuk & Associates Inc. as recorded in Reception No. 55370032 of the Summit County Recorder's records, and along the southerly line of a parcel of land conveyed to Emil Pawuk & Associates Inc. as recorded in Reception No. 54471633 of the Summit County Recorder's records, passing over a 5/8" iron pin found at 35.68 feet, and a 1/2" iron pin (capped "Kukls 5078") found at 1364.50 feet, a distance of 1414.50 feet to a point on the easterly line of said Lot 7, also being the original centerline of said Brecksville Rd.;

Thence South 00°43'38" East, along the easterly line of said Lot 7, also being the original centerline of said Brecksville Rd., a distance of 815.43 feet to the PLACE OF BEGINNING and containing 25.0909 acres of land, (0.8797 acres in right-of-way) more or less, as surveyed by Louis J. Giffels, Registered Surveyor No. 7790 in November 2022, for and on behalf of Lewis Land Professionals, Inc.

The BASIS OF BEARING for this description is Grid North of the Ohio State Plane Coordinate System, NAD83 (2011), North Zone as established by GPS Observation.

Parcel Numbers:

5003110 ALT ID RI0002802003000