

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE OF RICHFIELD TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCEL; 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 VILLAGE PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS IN LIEU OF AD VALOREM REAL PROPERTY TAXES PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42 AND 5709.43, 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 village public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, Sweet Magnolias Ice Cream LLC an Ohio limited liability company (the “Developer”) intends to develop certain land situated in the Village of Richfield, Summit County, Ohio, identified as Permanent Parcel No. 5003150 and which is more particularly described in Exhibit A, attached hereto and incorporated herein (the “TIF Property”) by undertaking construction upon the TIF Property (the “Development”); and

WHEREAS, the presence of the Development in the Village will benefit the Village and its residents by creating economic opportunities, increasing local employment opportunities, enlarging the property tax base, 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 Property, pursuant to Section 5709.42 of the Revised Code, to pay or reimburse the costs of construction and financing of certain public infrastructure improvements that will benefit the TIF Property and support the Development (the “Public Infrastructure Improvements”), which are described on Exhibit B; and

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

WHEREAS, the Village will enter into a Development and Tax Increment Financing Agreement (“Development Agreement”), with the Developer, substantially in the form of the

agreement attached hereto as Exhibit C, and other related agreements and documents to facilitate the successful financing and completion of the Public Infrastructure Improvements; and

WHEREAS, notice of this Board's intention to declare the Improvements exempt from real property taxes and to adopt this Resolution has been delivered to the Board of Education of the Revere Local School District and Cuyahoga Valley Joint Vocational School District in accordance with ORC §5709.41, 5709.83 and 5715.27, and this Board ratifies and affirms the delivery of such notice; and,

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

Section 1. The Public Infrastructure Improvements to be made and described in Exhibit B hereto are hereby declared to be a public purpose, and directly benefit and are necessary for the development of the TIF Property.

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 75% of the increase in the assessed value of the TIF Property 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 75% of said Improvement is hereby declared to be a public purpose, for a period not to exceed 10 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 10 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 Village 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 Fiscal Officer, the Solicitor, 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 Village 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 Property 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)(7) of the Revised Code.

Section 6: In accordance with ORC §5709.832, this Board of Trustees shall require in the Development Agreement that the Developer or then-current owner, and its successors or assigns in interest to the property tax exemption authorized herein, shall not deny employment to any individual based solely on race, religion, sex, disability, color, national origin, or ancestry.


Section 7: This Council further hereby authorizes and directs the Mayor, the Fiscal Officer, the Solicitor 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 8: 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 9: This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 10: 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 and be in force from and after its passage.

Passed: 12-16-25




President of Council



Mayor

Dated: 12/16/2025

ATTEST:


Clerk of Council

EXHIBIT A

IDENTIFICATION AND DEPICTION OF THE TIF PROPERTY

The vacant property located on Grant Street, Richfield, Ohio 44286 and described as Permanent Parcel Number 5003150 in the Summit County Records.



EXHIBIT B

IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under ORC Section 5709.40(A)(7) 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 reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements in and around the TIF Site or directly benefiting or serving the TIF Site, together with all appurtenances thereto, including.
- 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.
- Creation of a façade/property improvement grant and/or loan program for structures located in the Village;

- Engineering, consulting, legal, administrative, and other professional services associate with the planning, design, acquisition, construction, and installation of the foregoing improvements and real estate;
- Any and all other public improvements and public and public infrastructure improvements defined under R.C. 5709.40, including any necessary appurtenances.

EXHIBIT C

DEVELOPMENT AGREEMENT

See attached.