

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PROPERTY IN THE VILLAGE TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BENEFIT SAID PROPERTIES, EXEMPTING SUCH IMPROVEMENTS TO THE PROPERTY FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BECOME NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the “Act”) provide that this Council may declare certain improvements to properties within 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 taxes by the owners of such parcels for the purpose of paying for public infrastructure improvements which directly benefit the properties for which the improvements were declared to be a public purpose and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, this Council desires to make the public infrastructure improvements in the Village described in Exhibit “A” hereto (the “Public Infrastructure Improvements”) that once made will benefit or serve the subject property, which consists of approximately six (6) acres of vacant land (parcel nos. 5002566 and 5000903) bounded by Broadview Road and Brecksville Road and immediately adjacent to the Interstate 271 North exit ramp to Brecksville Road and as more fully described in the Legal Description of the Property attached in Exhibit “B,” (the “Property”) the improvements to which are declared to be a public purpose; 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 of taxes with respect to the Property (the “Service Payments”) pursuant to Section 5709.42 of the Ohio Revised Code; and

WHEREAS, the Village wishes to enter into an agreement with Agrana Fruit US, Inc. (“Owner”) to make Service Payments for the Public Infrastructure Improvements (the “Development Agreement”) attached hereto as Exhibit “C”; and

WHEREAS, the Property 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; and

WHEREAS, the Property 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; and

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

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

SECTION 1. The Council hereby designates and confirms that the improvements to the Property are determined to be a public purpose.

SECTION 2. The Public Infrastructure Improvements described in Exhibit "A", which is attached hereto and expressly incorporated by reference herein, are hereby designated as those Public Infrastructure Improvements that benefit or serve directly the Property, are necessary for the public health, safety and welfare of the People of the Village, create and preserve jobs and employment opportunities, and improve the economic welfare of the people of the Village.

SECTION 3. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real and public utility 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) is a public purpose, and 100% of said Improvements is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which the Improvements first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of ten (10) years or (2) the date on which the Village has collected into the Fund established in Section 5 hereof a total amount of Service Payments available for and sufficient (i) to pay costs of the Public Infrastructure Improvements, (ii) to pay the principal, interest and premium, if any, on financing for such costs of the Public Improvements, or (iii) to reimburse the Village for other Village funds used by the Village to pay such costs or such principal, interest or premium, prior to receipt of Service Payments, all as further provided in Section 5 hereof.

SECTION 4. As provided in Section 5709.42 of the Revised Code and as more specifically provided in the Development Agreement, the owners of the Properties are hereby required to, and shall make, annual Service Payments to the County Fiscal Officer, Treasurer's Division on or before the final dates for payment of real property taxes, which Service Payments shall be deposited in the Agrana Fruit Property Public Improvements Tax Increment Equivalent Fund established in Section 5 hereof. This Council hereby authorizes the Village Mayor, the Finance Director and the Village 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 and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of said Service

Payments and to enter into a Development Agreement substantially in accordance with the Agreement attached hereto as Exhibit "D," the terms of which Development Agreement are hereby approved.

SECTION 5. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Agrana Fruit Improvements Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments distributed to the Village with respect to the Improvements on the Properties, by or on behalf of the County Fiscal Officer, Treasurer's Division as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes (it being understood that pursuant to Section 5709.42 of the Ohio Revised Code, the County Fiscal Officer shall pay the Revere Local School District and the Cuyahoga Valley Joint Vocational School District directly the amounts those districts would have otherwise received as taxes consistent with Section 5709.40(D)(1) of the Ohio Revised Code):

(i) to pay any and all acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Infrastructure Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);

(ii) to pay the interest on, principal of, and any premium on bonds or notes or other obligations, including refunding bonds or notes or other obligations, issued by the Village to finance costs of the Public Infrastructure Improvements until such notes or bonds or other obligations are paid in full; and

(iii) to reimburse the Village for any funds used by the Village to pay costs of the Public Infrastructure Improvements, or to pay interest, principal, or premium on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 6. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Mayor of the Village or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 8. This Ordinance is declared to be an emergency measure necessity 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 or appointed thereto; otherwise it shall be in full force and effect after the earliest period allowed by law.

PASSED: 5-3-2022

President of Council

Mayor

Dated: _____

ATTEST:


Clerk of Council

EXHIBIT A

The Public Improvements consist of the following:

1. The provisions of funds to acquire land in aid of industry, commerce, distribution, or research in accordance with Section 5709.40(A)(7) of the Revised Code.
2. Traffic control and road improvements and major repairs and resurfacing, recently completed and to be done upon or in the vicinity of the Crossroads District.
3. Communications infrastructure, including but not limited to fiber optic lines and wireless internet communications systems, for new and existing facilities in the vicinity of the Crossroads District.
4. Public sanitary sewer and/or water line improvements and major repairs for those facilities that serve users in the vicinity of the Crossroads District.
5. Village of Richfield building and capital equipment projects and purchases to facilitate the services of the Village roads, grounds, sewer, water, and general service departments for the purposes of ongoing road maintenance, right of way maintenance, sewer and water facilities maintenance, snow plowing and other services generally provided by the Village of Richfield.
6. The relocation of utilities that serve users or are otherwise in the vicinity of the Crossroads District and along Broadview Road.
7. Creation of a grant and/or loan program to encourage or promote economic development in the vicinity of the Crossroads District and along Broadview Road.
8. Village of Richfield facilities, buildings and capital equipment purchases to facilitate the provision of police, fire, emergency medical services and general administrative services provided by the Village of Richfield.
9. The acquisition of real property for the purposes stated above, for buffering between economic development areas and residential areas and for purposes of economic development within the Village of Richfield.
10. Any and all other public improvements and public infrastructure improvements, including public parking, defined under R.C. 5709.40, including any necessary appurtenances.

EXHIBIT B

LEGAL DESCRIPTION

PARCEL NO. 1:

Situated in the Village of Richfield, County of Summit, and State of Ohio and known as being part of Original Lot 2, Tract 3 of the Township of Richfield and also known as being part of land now or formerly owned by Howard W. Myers as recorded in Official Record 661, Page 828-829 of the Summit County Recorder's office and more fully described as follows:

Beginning at a P.K. nail set at the centerline intersection of Interstate 271, variable right of way, and Broadview Road (State Route 176, variable right of way);

Thence South 35 Degrees 05 Minutes 27 Seconds East, along the centerline of State Route 176, 225.14 feet to the limited access line of Interstate 271, passing over a monument assembly found at 212.20 feet;

Thence North 53 Degrees 45 Minutes 05 Seconds East, along said limited access line, 70.00 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence continuing North 53 Degrees 45 Minutes 05 Seconds East, along said limited, access line 289.77 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence continuing along said limited access line, North 81 Degrees 09 Minutes 58 Seconds East a distance of 219.32 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence continuing along said limited access line South 81 Degrees 04 Minutes 10 Seconds East a distance of 13.42 feet to a 5/8" iron bar set with cap "RSP 7012" set and the true place of beginning for the parcel herein described;

Thence continuing along said limited access line South 81 Degrees 04 Minutes 10 Seconds East a distance of 183.49 feet to a 5/8" iron bar set with cap "RSP 7012" on the right of way of Brecksville Road, variable right of way;

Thence continuing along said right of way South 08 Degrees 19 Minutes 06 Seconds West a distance of 30.97 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence along said right of way South 2 Degrees 28 Minutes 55 Seconds West a distance of 300.33 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence along said right of way South 5 Degrees 51 Minutes 02 Seconds West 125.68 feet to a 5/8" iron bar set with cap "RSP 7012" set;

Thence continuing along said right of way South 32 Degrees 12 Minutes 56 Seconds West a distance of 58.55 feet to a 5/8" iron bar set with cap "RSP 7012" set on the right of way of Broadview Road (State Route 176), variable right of way;

Thence continuing along said right of way of State Route 176, South 86 Degrees 36 Minutes 25 Seconds West, a distance of 149.70 feet to a 5/8" iron bar set with cap "RSP 7012" set and the P.C. of a curve to the right having the following properties:

Radius 646.20 feet
Chord Bearing North 65 Degrees 22 Minutes 52 Seconds West
Delta 19 Degrees 14 Minutes 34 Seconds
Chord Length 216.01 feet

Thence along said right of way an arc length of 217.03 feet to a 5/8" iron bar set with cap "RSP 7012";

Thence North 26 Degrees 32 Minutes 17 Seconds East a distance of 505.94 feet to the true place of beginning and containing 3.4417 acres of land as surveyed by Robert S. Parks, P.S. 7012 in March, 2000.

The basis of bearings for this survey is the centerline of Interstate 271 as stated on O.D.O.T. right of way plans SUM-271-0.83 North 56 Degrees 56 Minutes 19 Seconds East.

Permanent Parcel No.: 50-00903
Routing No.: RI-00025-02-019.000

PARCEL NO. 2:

Situated in the Village of Richfield, County of Summit, and State of Ohio and known as being part of Original Lot 2, Tract 3 of the Township of Richfield and also known as being part of land now or formerly owned by Howard W. Myers as recorded in Official Record 661, Page 828-829 of the Summit County Recorder's office and more fully described as follows:

Beginning at a P.K. nail set at the centerline intersection of Interstate 271, variable right of way, and Broadview Road (State Route 176, variable right of way);

Thence South 35° 05' 27" East, along the centerline of State Route 176, 225.14 feet to the limited access line of Interstate 271, passing over a monument assembly found at 212.20 feet;

Thence North 53° 45' 05" East, along said limited access line, 70.00 feet to a 5/8" iron bar set with cap "RSP 7012" set and the true place of beginning for the parcel herein described;

Thence continuing along said limited access line 81° 09' 58" East a distance of 219.32 feet to a 5/8 iron bar set with cap "RSP 7012" set;

Thence continuing along said limited access line South 81° 04' 10" East a distance of 13.42 feet to a 5/8 iron bar set with cap "RSP 7012" set;

Thence South 26° 32' 17" West a distance of 505.94 feet to a 5/8 iron bar set with cap "RSP 7012" set on the Northerly right of way of said State Route 176 and the P.C. of a curve to the right having the following properties:

Radius 646.20 feet
Chord Bearing North 53° 25' 33" West
Delta 40° 40' 04"
Chord Length 52.63 feet

Thence continuing along said right of way and along said curve to the right an arc length of 52.64 feet to the point of compound curve to the right having the following properties:

Radius 885.51 feet
Chord Bearing North 43° 05' 31" West
Delta 16° 00' 00"
Chord Length 246.56 feet

Thence along said curve to the right an arc length of 247.36 feet;

Thence along said right of way of State Route 176, North 35° 05' 31" West a distance of 46.79 feet to the true place of beginning and containing 2.3473 acres of land as surveyed by Robert S. Park, P.S. 7012 in March, 2000.

The basis of bearings for this survey is the centerline of Interstate 271 as stated on O.D.O.T. right of plans SUM-271-0.83 North 56° 56' 19" East.

Permanent Parcel No.: 50-02566
Routing No.: RI-00028-A2-003.000



EXHIBIT C

(Development Agreement)