

CITY OF ENGLEWOOD
IN
MONTGOMERY COUNTY, OHIO

ORDINANCE NO: 15-18

Passed: November 10, 2015

AN ORDINANCE: **DECLARING THE IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITTING THE PARCELS.**

WHEREAS, the development and redevelopment of certain commercial properties in the City of Englewood, Ohio ("Englewood") will benefit Englewood and its residents by creating jobs, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development; and

WHEREAS, Ohio Revised Code Sections 5709.40 through 5703.43 (collectively the "TIF Statutes") authorize Englewood to, among other things: i) declare the increase in assessed value of real property located in Englewood to be a public purpose, thereby exempting such increase from real property taxation; ii) specify the public infrastructure improvements made, to be made, or in the process of being made, that directly benefit or that once made will directly benefit, such real property; iii) require the owners of each parcel to make service payments in lieu of taxes; and iv) establish a municipal public improvement tax equivalent fund for the deposit of those service payments; and

WHEREAS, Englewood has decided to declare the improvements to certain parcels of real property which parcels are further described in Section 1 of this Ordinance, to be a public purpose; and

WHEREAS, Englewood desires to provide for the construction and/or installation of the public infrastructure improvements described in Section 2 of this Ordinance; and

WHEREAS, Englewood is authorized as a charter municipality to exercise all powers of local self-government;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I

Parcels of Real Property. There are two properties subject to the exemption granted by this Ordinance:

A. **The Cercle Property.** The first property is comprised of two parcel numbers: M57 00502 0079 and M57 00502 0080. The Cercle Property is identified in Exhibit A attached hereto and incorporated as if fully rewritten herein. In the event of a conflict between the outline of the Cercle Property shown in the map set forth in **Exhibit A** and the legal description thereof, the outline of the Cercle Property shall control.

B. **The Meijer Property.** The second property has parcel number M57 00821 0001. The Meijer Property is identified in **Exhibit B** attached hereto and incorporated as if fully rewritten herein. In the event of a conflict between the outline of the Meijer Property shown in the map set forth in Exhibit B and the legal description thereof, the outline of the Meijer Property shall control.

The Cercle Property and the Meijer Property each, as currently or subsequently configured, including any lot splits or consolidations, may individually be referred to in this Ordinance as the “Parcel” and collectively referred to as the “Parcels”.

SECTION II

Public Infrastructure Improvements. This City Council hereby designates the public infrastructure improvements described in **Exhibit C** hereto, which is incorporated as if fully rewritten herein, along with any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made, or in the process of being made the directly benefit or that once made will directly benefit, the Parcels.

SECTION III

Tax Exemption. Pursuant to the TIF Statutes, this City Council hereby finds and determines that 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 the TIF Statutes) is hereby declared to be a public purpose and shall be exempt from taxation for the following periods:

A. **The Cercle Property.** The exemption created by this Ordinance for the Cercle Property shall commence on the first tax year after *all* of the following have occurred: 1) the improvements currently situated on the Cercle Property are demolished; and 2) the valuation of the Cercle Property is reduced by the Montgomery County, Ohio Auditor as a result of that demolition; and 3) that reduced value of the Cercle Property is reflected on the tax list and duplicate of real and public utility property; and 4) the Effective Date of this Ordinance has passed. The exemption created by this

Ordinance for the Cercle Property shall end on the earlier of: i) ten years after such commencement; or ii) the date on which Englewood can no longer require service payments in lieu of taxes, all in accordance with the TIF Statutes.

B. The Meijer Property. The exemption created by this Ordinance for the Meijer Property shall commence with the first tax year that begins after the Effective Date of this Ordinance (as defined below) and in which any Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property were it not for the exemption granted by this Ordinance, and ending on the earlier of: i) ten years after such commencement; or ii) the date on which Englewood can no longer require service payments in lieu of taxes, all in accordance with the TIF Statutes.

SECTION IV

Service Payments in Lieu of Taxes. Pursuant to Ohio Revised Code Section 5709.42, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Montgomery County, Ohio (the “County Treasurer”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against the Improvement if it were not exempt from taxation pursuant to this Ordinance, including any penalties and interest (collectively the “Service Payments”).

SECTION V

TIF Fund. This City Council hereby establishes, pursuant to the TIF Statutes, the **Main Street Corridor Municipal Public Improvement Tax Increment Equivalent Fund** (the “TIF Fund”). The TIF Fund shall be maintained in the custody of Englewood and shall receive all distributions to be made to Englewood pursuant to Section VI of this Ordinance. Those Service Payments, and any other payments with respect to each Parcel which are received by the County Treasurer 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 (the “Property Tax Rollback Payments”), shall be used solely for the purposes authorized by the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and/or Property Tax Rollback Payments are collected and used for the foregoing purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to Englewood’s General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION VI

Distributions. Pursuant to the TIF Statutes, the County Treasurer is hereby requested to remit to Englewood all Service Payments and Property Tax Rollback Payments paid with respect to the Improvements, for deposit into the TIF Fund for payment of all costs and expenses associated with the Public

Infrastructure Improvements. All distributions required under this Section VI are requested to be made at the same time and in the same manner as real property tax distributions.

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

SECTION VIII **Tax Incentive Review Council.** Englewood's existing Tax Incentive Review Council shall review annually all exemptions granted by this Ordinance and any other such matters as may properly come before that council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION IX **Notification of Adoption.** Pursuant to Ohio Revise Code Section 5709.40(I), the City Manager is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within 15 days after its adoption. On or before March 31st of each year that the exemption created by this Ordinance remains in effect, the City Manager or other authorized officer of Englewood is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revise Code Section 5709.40(I).

SECTION X **Effective Date.** That this Ordinance shall become effective at the earliest date allowed by law ("Effective Date").

SECTION XI **Open Meetings.** It is hereby found and determined that all formal actions of this City 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 any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

PASSED THIS 10th DAY OF November, 2015.

Patricia Burnside
PATRICIA BURNSIDE, MAYOR

ATTEST:

Kerry Norman
KERRY NORMAN, CLERK OF COUNCIL

C E R T I F I C A T E

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. WITNESS my signature this 10th day of November, 2015.

Kerry Norman
Kerry Norman, Clerk of Council

CERTIFICATE OF POSTING

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing ORDINANCE was made as designated by Sections 224.01 and 24.02 of the Englewood Code.

Kerry Norman
Kerry Norman, Clerk of Council