

ORDINANCE: 64 – 17

PASSED: _____

AN ORDINANCE AMENDING ORDINANCE NO. 6-97 TO EXTEND THE TERM OF THE ORIGINAL TIF EXEMPTION AND EXPAND THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously passed Ordinance No. 6-97 on April 7, 1997 (the “*Original TIF Ordinance*”), declaring improvements to certain parcels of real property (the “*Property*”) to be exempt from real estate taxation and a public purpose (the “*TIF Exemption*”), and requiring the owners of such parcels to make service payments in lieu of taxes on the improvements to parcels to fund those public improvements described in the Original TIF Ordinance, all as provided in Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code; and

WHEREAS, this Council desires to (i) extend the term of the TIF Exemption by fourteen (14) years and (ii) amend the definition of Infrastructure Improvements that directly benefit, or that once made will directly benefit, the Property; and

WHEREAS, the Board of Education of Hamilton Local School District (the “*School District*”) to the extent required by Chapter 5709 of the Revised Code, has waived statutory notice of the extension of the TIF Exemption and expressed its lack of objection to the exemptions provided for by this Ordinance pursuant to Section 5709.40 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Section 1 of Ordinance No. 6-97 is hereby amended to read as follows:

“Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40, this Council hereby finds and determines that the increase in true value of the Property subsequent to the effective date of this Ordinance (which increase in true value is hereinafter referred to as the “*Improvements*” as defined in Section 5709.40) is a public purpose for 30 years, and 100% of the Improvements is hereby declared to be exempt from taxation for a period commencing on the date of passage of this Ordinance and ending 30 years from the date of the passage of this Ordinance, all in accordance with the requirements of said Sections 5709.40 and 5709.42 of the Revised Code”.

Section 2. Exhibit B, which described the Infrastructure Improvements, attached to the Original TIF Ordinance is hereby deleted in its entirety and replaced with “*Revised Exhibit B*” attached to this Ordinance and incorporated by reference.

Section 3. The Village and the School District will continue to negotiate in good faith with respect to a mutually beneficial School Compensation Agreement to allocate revenue sharing between the parties in a manner that avoids reduction of school funding based on placing the exempt property back on the tax duplicate of the School District.

Section 4. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of this 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.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village and its inhabitants for the reason that this Ordinance must be immediately effective so that the term of the TIF Exemption may be extended; WHEREFORE, this Ordinance shall take effect and be in force from and immediately after its adoption.

Passed this _____ day of _____, 2017.

ATTESTS:

Stacey Boumis, Clerk of Council

D. Greg Scott, Mayor

Bonnie Wiley, Council Pres. Pro-Tem

APPROVED AS TO FORM

Stephen J. Smith, Esq., Law Director

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CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance _____ was duly posted at _____ (time) on the _____ day of _____, 2017, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center, as well as on the Obetz website.

Stacey Boumis, Clerk

Date

EXHIBIT A

INFRASTRUCTURE IMPROVEMENTS

The Infrastructure Improvements consist of (i) removing 2350 linear feet of existing Toy Road and constructing 5148 linear feet of three lane, 36 foot wide curbed roadway to connect Alum Creek Drive and Rohr Road; improving the intersection of Toy Road and Alum Creek Drive by constructing four lanes on Toy Road including two out-bound left turn lanes and two in-bound lanes tapering to three lanes 36 feet wide in 515 feet; constructing 953 linear feet of two lane, 32 foot wide curbed roadway to connection Bixby Road with improved Toy Road; installing approximately 38 street lights, installing appropriate signage and pavements striping improvements; relocating existing underground and overhead communication lines; installing approximately 8250 linear feet of 12 inch through 54 inch storm sewer; constructing three stormwater management retention ponds and associated outlet structures with storage capacity of approximately 28 acre-feet and requiring approximately 154,000 cubic yards of excavation, and (ii) any “public infrastructure improvement” defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves the exempted parcels, as described below, 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, including the following:
- **Real Estate.** Acquisition 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.

REVISED EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under Section 5709.40(A)(7) of the Ohio Revised Code and that directly benefits or serves parcels in the TIF District and specifically include, but are not limited to, any of the following improvements that will benefit or serve parcels in the TIF 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, including the following:
- **Real Estate.** Acquisition 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.