



# LEGISLATIVE COVER MEMO

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**Meeting Date:** June 17, 2024

**Agenda Item:** **Resolution 2024-40**

DETERMINING THE SUFFICIENCY OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT; TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; TO SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION AS REQUIRED BY LAW.

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** In April of 2023, City Council approved the establishment of the Franklin New Community Authority (the "NCA"), pursuant to City Ordinance 2023-10. Consistent with the City's approach to direct new development projects through the NCA, this application is being submitted by the property owner for the Sheetz development within the City on the corner of Watkins Glen Drive and North State Route 123. By adding the property to the NCA, the developer will benefit by being able to be reimbursed for a portion of certain costs it is committing to roadway improvements to North State Route 123 that otherwise would have been needed to be committed by the City. Additionally, the Application amends the Petition as previously approved by the City to include the new property and to allow the voluntary imposition of community development charges on the property.

**Exhibits:** Exhibit A: APPLICATION TO ADD PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE

**Recommendation:** Approval

CITY OF FRANKLIN, OHIO  
RESOLUTION 2024-40

**DETERMINING THE SUFFICIENCY OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE FRANKLIN NEW COMMUNITY AUTHORITY DISTRICT; TO AMEND THE PETITION FOR ESTABLISHMENT OF THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; TO SET A DATE FOR A PUBLIC HEARING ON THE APPLICATION AS REQUIRED BY LAW.**

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Chapter 349, on March 6, 2023, a petition (the “Petition”) for the establishment of the Franklin New Community Authority (the “Authority”) was filed with the Clerk of Council of the City of Franklin, Ohio (the “Council”), as “organizational board of commissioners” within the meaning of R.C. Section 349.01(F)(3) by the City of Franklin, Ohio (the “City”) in its capacity as statutory developer of the Authority under R.C. Section 349.01(E) (the “Statutory Developer”), which Petition the Council approved on April 17, 2023, pursuant to Ordinance Number 2023-10; and

WHEREAS, the Petition described the boundaries of the related new community district (the “District”); and

WHEREAS, on June 17, 2024, the Statutory Developer, together with Franklin Watkins Glen, LLC (the “Property Owner”), filed an application (the “Application”) with this Council requesting that certain parcels of real property identified therein as the Additional Property and owned by the Property Owner be added to the District; and

WHEREAS, with respect to the Application, the City is the only City that can be defined as a “proximate city,” as that term is defined in R.C. Section 349.01(M); this Council, as the organizational board of commissioners for the District, is the legislative authority of the only “proximate city”; pursuant to R.C. Section 349.03; and, therefore, the City is not required to approve or sign the Application as a “proximate city” prior to the approval of the Application by this Council; and

WHEREAS, the Application further provides that the addition of such real property will be conducive to the public health, safety, convenience and welfare of the District, will be consistent with the development of the District, and will not jeopardize the plan of development of the District; and, because the Developer is a municipal corporation, the Developer is not required to own or control all of the Additional Property in connection with the addition of the Additional Property to the District; and

WHEREAS, pursuant to R.C. Section 349.03(A), this Council, as the organizational board of commissioners for the determination of the sufficiency of the Application, upon finding the Application sufficient and in compliance with the required statutory requirements, must fix a time and place for a public hearing on the Application; and

WHEREAS, pursuant to R.C. Section 349.03(A), if determined to be sufficient, this Council shall hold the public hearing not less than thirty (30) days nor more than forty-five (45) days from the date the Application was filed by the Developer with this Council; and

WHEREAS, pursuant to R.C. Section 349.03(A), the Clerk of Council shall give notice of the public hearing on the Application by publication once each week for three consecutive weeks in a newspaper of general circulation prior to the hearing date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Franklin, Warren County, Ohio, that:

Section 1. Sufficiency of Application. Council finds and determines that the Application complies with the requirements of R.C. Section 349.03 as to form and substance.

Section 2. Pursuant to R.C. Section 349.03, this Council hereby determines to hold a hearing on the Petition on May 6, 2024 at the chambers of the City Council, One Benjamin Franklin Way, Franklin, Ohio 45005, at 6:00 p.m., and this Council hereby authorizes the City Manager to cause notice of the hearing to be published once a week for three consecutive weeks, or as provided in R.C. Section 7.16, in a newspaper of general circulation within Warren County, Ohio, pursuant to R.C. Section 349.03(A).

Section 3. 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 Resolution were taken in an open meeting of this Council, 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 R.C. Section 121.22.

ADOPTED: June 17, 2024

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of a resolution passed by that body on June 17, 2024.

\_\_\_\_\_  
Khristi Dunn, Clerk of Council

BEFORE THE CITY COUNCIL OF THE CITY OF FRANKLIN, OHIO

APPLICATION TO ADD PROPERTY TO THE FRANKLIN NEW COMMUNITY  
AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF  
THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY  
AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE

Submitted by:

CITY OF FRANKLIN, OHIO

As the Developer

BEFORE THE CITY COUNCIL OF THE CITY  
OF FRANKLIN, OHIO

APPLICATION TO ADD PROPERTY TO THE FRANKLIN NEW COMMUNITY  
AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF  
THE FRANKLIN NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY  
AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE

Pursuant to Section 349.04(B) of the Ohio Revised Code, the City of Franklin, Ohio (the “Developer”) hereby applies to add property to the Franklin New Community Authority District (as constituted as of the date of this application, the “Original District,” and as altered by the approval of this application, the “District”), and to amend the petition for establishment of the Franklin New Community Authority (the “Authority”), a new community authority established under and operating pursuant to Chapter 349 of the Ohio Revised Code (the “Act”), filed with the Clerk of the City Council (the “Council”) of the City of Franklin, Ohio (the “City”), as organizational board of commissioners under Chapter 349 of the Ohio Revised Code, on March 6, 2023 (the “Original Petition” and as amended by approval of this Application, and as may be supplemented or amended by subsequent petitions or applications to add property, from time to time, the “Petition”). The Council approved the Original Petition by its Ordinance Number 2023-10 dated April 17, 2023, establishing the Original District and the Authority.

Franklin Watkins Glen, LLC, an Ohio limited liability company (the “Property Owner”), is the owner of real property to be added to the District by this application (the “Application”).

As authorized by Ohio Revised Code Section 349.03, the Developer now seeks approval from the Council to add certain real property described below to the District and to amend the Original Petition as necessary to accomplish the same, all pursuant to this Application. To that end, with respect to the real property at issue in this Application, the Developer hereby applies as follows:

1. Additional Property (Sheetz). The Property Owner seeks the addition to the District of certain real property consisting of approximately 2.4899 acres in the City (the “Additional Property (Sheetz)”), which Additional Property (Sheetz) is identified in the records of the Warren County Auditor at the time of this Application being parcel identification no. 0836200056, and as described more particularly in the legal descriptions attached hereto as Exhibit A and as depicted in the map attached hereto as Exhibit B, which identifies the location of the Additional Property (Sheetz) and outlines the initial plan of development for the Additional Property (Sheetz), the Additional Property (Sheetz) is generally situated at the corner of Watkins Glen Drive and North State Route 123. The Additional Property (Sheetz) is owned by or is under the control of the Property Owner as evidenced by that certain limited warranty deed identified as document no. 2023-025131 as filed in the permanent land records of the Warren County Recorder on November 22, 2023. The Property Owner hereby confirms that the addition of the Additional Property (Sheetz) will be conducive to the public health, safety, and convenience and welfare, will be consistent with the development of the District, and will further the plan of development for the District.

2. Zoning. The Additional Property (Sheetz) is zoned C-1 “General Commercial”, which designation will foster the necessary comprehensive development of the Additional Property (Sheetz) and the District as one functionally-interrelated community. The Council approved said zoning designation with respect to the Property on March 8, 2023. The zoning designation for the Additional Property (Sheetz) is consistent with the approved zoning designation of the Property. A copy of the Council’s zoning resolution appears as Exhibit C hereto.
3. Development Plan. The Property Owner plans to build a restaurant, convenience store and fuel station development project, together with necessary appurtenances related thereto on approximately 2.4899 acres of the Additional Property (Sheetz). Consistent with the overall plan for the District, the Property Owner will provide for the District certain improvements constituting “community facilities” under the Act, including certain Community Facilities (as defined in the Petition) in support of the Additional Property (Sheetz). Exhibit D hereto provides additional details regarding the development plan and anticipated improvements to the Additional Property (Sheetz). As noted on the Exhibit E attached hereto, a traffic study was completed for the Additional Property (Sheetz).
4. Community Development Charge. The Property Owner proposes to pay the costs of the Community Facilities through the levy and collection of (i) an Abatement Replacement Charge (as defined in Exhibit F of the Petition, and as amended by Item 1 to this Application) and (ii) a 5.0-mill community development charge (the “Additional Charge” as defined in Exhibit F of the Petition, as amended by Item 1 to this Application). All Community Development Charges shall be paid by owners of real property within the Property pursuant to Ohio Revised Code Section 349.07 and the Declaration of Covenants and Restrictions for the Authority (the “Original Declaration”), and as may be supplemented, or amended from time to time as to the Property, including the Additional Property (Sheetz), by the recording of an additional declaration of covenants and restrictions for the Authority (and as to each such supplemented or amended declaration, each a “Supplemental Declaration,” together with all such Supplemental Declarations and the Original Declaration, the “Declaration”). Consistent with the Declaration, the community development charges with respect to any parcel within the District, including the Additional Property (Sheetz), is chargeable and may be assessed by the Authority if a structure or building is located on a parcel and is not owned, leased, or otherwise controlled by a governmental entity provided that the governmental entity’s use of the land, building, structure or improvement is exempt from real estate taxation under the laws of the State of Ohio. The Community Development Charge revenues generated from the Property, including the Additional Property (Sheetz), will be used to pay a portion of the costs of certain roadway improvements approved by the Authority (the North State Route 123 Improvements, defined in Exhibit D to this Application), and to pay the administrative expenses of the Authority.
5. Economic Feasibility. The preliminary economic feasibility analysis for the District, including the area development pattern and demand, location and territory size, present and future socio-economic conditions, public services provision, financial plan, and the Developer’s management capability, are attached to the Application as Exhibit B (Development Map), Exhibit D (Development Program), Exhibit F (demographic

information for the City of Franklin, Ohio), Exhibit G (Information about Developer), and Exhibit H (Environmental Compliance).

6. Environmental Compliance. The Authority, the City, and the Property Owner shall comply with all applicable environmental laws and regulations with respect to the District. To the knowledge of the City and the Property Owner, the District does not include any conditions qualifying as a recognized environmental condition and no evidence of actual or potential releases of hazardous substances or petroleum products in conjunction with the District, except as applicable to the Additional Property (Sheetz). Property Owner shall comply with all applicable environmental laws and regulations. As evidenced of such anticipated compliance by the Property Owner, the Phase I Environmental Site Assessment relating to the Additional Property (Sheetz) is attached to this Application as Exhibit H.
7. Amendments to Petition. For purposes of this Application, the Petition is hereby amended to include the Additional Property (Sheetz) within the District. The Additional Property (Sheetz) will be made subject to the existing Declaration, and a Supplemental Declaration will be recorded by the Property Owner to implement the provisions of the Petition as amended by this Application, applicable to the Additional Property (Sheetz).  
  
Additionally, the Petition is hereby amended to clarify the determination of Community Development Charges outlined in ‘Exhibit F’ as that exhibit was approved by the Council in Ordinance 2023-10. The amended ‘Exhibit F’ is attached hereto as Item 1
8. Approvals. For the purposes of the establishment of the Authority as well as the expansion of the District, the City of Franklin, Ohio is the only city that can be defined as a “proximate city” as that term is defined in Ohio Revised Code Section 349.01(M).
9. Exhibits. Attached Exhibits A, B, C, D, E, F, G, and H, and attached Item 1 are part of this Application, and the Petition and the exhibits thereto, except as amended by this Application, and Item 1, are incorporated herein as part of this Application.
10. Definitions. Words and terms not defined herein shall have the meanings given in Ohio Revised Code Section 349.01, unless context requires a different meaning.

The Developer consents to the addition of the Additional Property (Sheetz) as provided by this Application and the amendment of the Petition as provided by this Application, and the Developer waives its right to object to the addition of such territory as provided in Section 349.03(B) of the Ohio Revised Code. Therefore, the Developer hereby requests the Council, as the organizational board of commissioners, as that term is used in Ohio Revised Code Section 349.03, to determine that this Application complies as to form and substance with the requirements of Ohio Revised Code Section 349.03 and further requests that the Council fix the time and place of a hearing on this Application. Pursuant to Ohio Revised Code Section 349.03(A), that hearing must be held not less than thirty, nor more than forty-five days after the filing of this Application with the Clerk of the Council. This Application is filed with the Clerk of the Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

Respectfully submitted,

THE CITY OF FRANKLIN, OHIO

By: \_\_\_\_\_  
Name: Jonathan Westendorf  
Title: City Manager

State of Ohio :  
                              :           ss  
County of \_\_\_\_\_ :

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2024 by Jonathan Westendorf, the City Manager of the City of Franklin, Ohio, an Ohio municipal corporation, on behalf of the City of Franklin, Ohio.

\_\_\_\_\_  
Notary Public


This Instrument was prepared by:

J. Caleb Bell, Esq.  
Bricker Graydon LLP  
100 South Third Street  
Columbus, Ohio 43215  
(614) 227-2300



The Property Owner consents to the addition of the Additional Property (Sheetz) as provided by this Application and the amendment of the Petition as provided by this Application.

**FRANKLIN WATKINS GLEN, LLC, as  
Property Owner**

By:   
Name: Andrew Janitzki  
Title: General Counsel

State of Ohio :  
County of Franklin : SS

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of June, 2024 by Andrew Janitzki of Franklin Watkins Glen, LLC, an Ohio limited liability company, on behalf of the company.

  
Notary Public



**COLLEEN MARCHIONDA**  
Notary Public, State of Ohio  
Commission #: 2022-RE-852769  
My Commission Expires 08-16-2027

This Instrument was prepared by

J. Caleb Bell, Esq.  
Bricker Graydon LLP  
100 South Third Street  
Columbus, Ohio 43215  
(614) 227-2300

## EXHIBIT A

### Legal Description

The attached legal description relates to the Additional Property (Sheetz) to be added to the Authority pursuant to this Application.

Situated in the City of Franklin, County of Warren, State of Ohio and being Lot Numbered Four (4) of Franklin Interstate Park Section Two as recorded in Plat Book 49, Page 67 of the Plat Records of Warren County, Ohio.

LESS AND EXCEPTING therefrom the following described 4.4450 acre tract as conveyed by Franklin Interstate Park Limited Liability Company to Tim L. Young, filed April 16, 2002 of record in Official Record Volume 2513 page 746.

Situated in Section 36, Town 3 East, Range 4 North, City of Franklin, Warren County, Ohio and being part of Lot 4 of Franklin Interstate Park Section Two as recorded in Plat Book 49 Page 67 of the Warren County Recorders Office and being more particularly described as follows:

Beginning at a 5/8" iron pin found at the southwest corner of Lot 4;

Thence along the west line of Lot 4, N33°04'08"W a distance of 683.22 feet to a 5/8" iron pin found at the northwest corner of Lot 4;

Thence along the north line of Lot 4, S86°38'56"E a distance of 424.77 feet to a 5/8" iron pin set;

Thence along a new division line in said Lot 4, S33°04'08"E a distance of 449.73 feet to a 5/8" iron pin set in the northerly right of way line of Watkins Glen Drive (60' R/W);

Thence along said right of way line, being the south line of Lot 4, S60°03'40"W a distance of 342.32 feet to the Point of Beginning, containing 4.4450 acres more or less and being subject to easements, restrictions and rights of way of record.

Deed Reference: O.R. 2080 Page 9

Bearing Reference: Bearings are based on the west line of Lot 4, as per P.B. 49 Page 67.

The above description is based upon a survey by Kleingers & Associates, Inc., made under the direction of David L. Cox, Ohio Professional Surveyor No. 7101. A plat of said survey is recorded in Volume 117 Page 8 of the Warren County Engineers Record of Land Surveys.

**Leaving a remainder of 2.4899 acres.**

**EXHIBIT B**

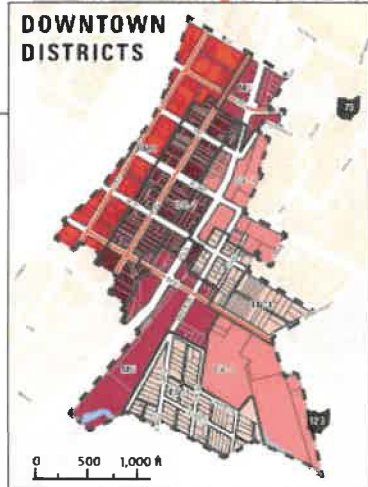
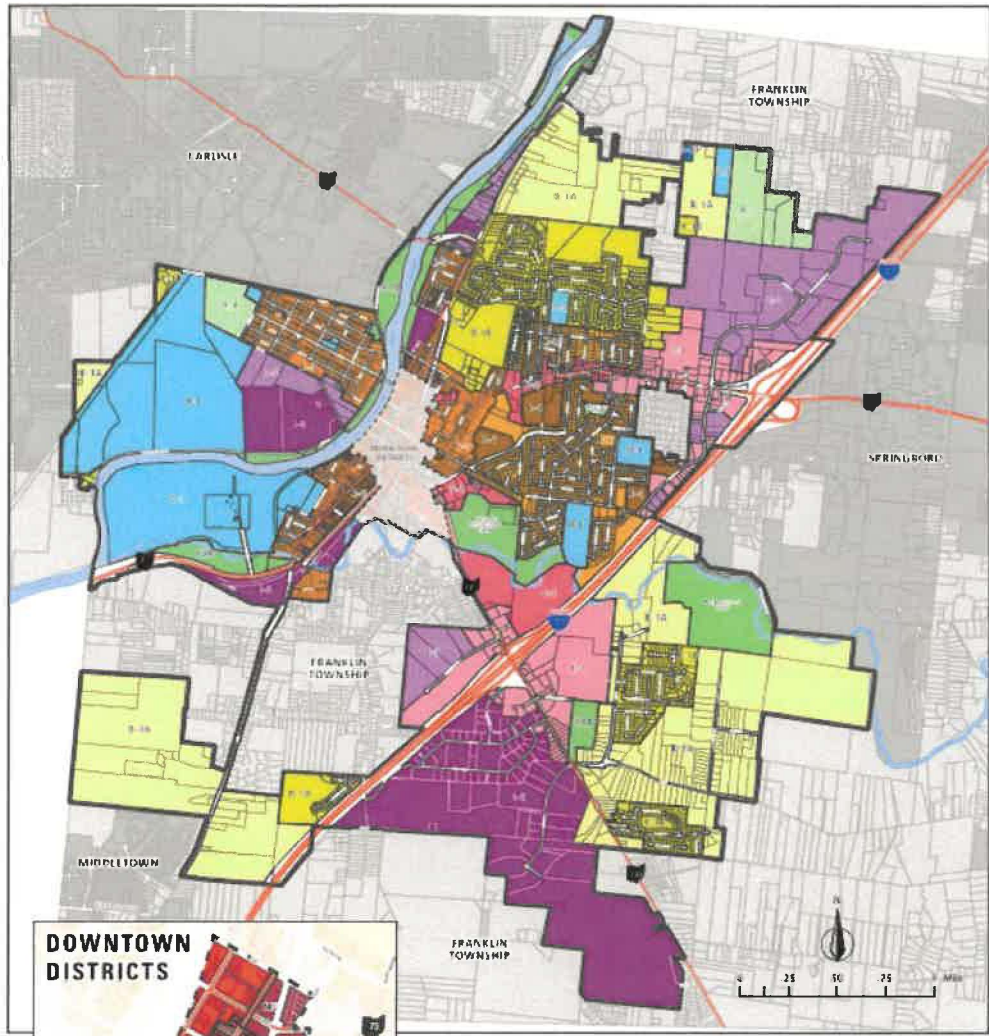
**Map**

The attached map shows the location of the Additional Property (Sheetz).



# EXHIBIT C

## City of Franklin, Ohio Zoning



- RESIDENTIAL DISTRICTS**
- PAR PARKS AND RECREATION
  - A-1 AGRICULTURAL
  - R-1A ESTATE RESIDENTIAL
  - R-1B SUBURBAN RESIDENTIAL
  - R-2 METROPOLITAN RESIDENTIAL
  - R-3 CENTRAL RESIDENTIAL
  - R-4 MULTI-FAMILY RESIDENTIAL
- COMMERCIAL DISTRICTS**
- C-1 GENERAL COMMERCIAL
  - C-2 COMMUNITY COMMERCIAL
- OFFICE DISTRICTS**
- O-I OFFICE AND INSTITUTIONAL
  - O-IP RIME ARCH PARK
  - O-S OFFICE SERVICE

- INDUSTRIAL DISTRICTS**
- I-1 LIGHT INDUSTRIAL
  - I-2 GENERAL INDUSTRIAL
- DOWNTOWN DISTRICTS**
- DC-1 DOWNTOWN CORE
  - MU MIXED USE
  - RMU RIVERFRONT MIXED USE
  - CV-1 CIVIC
  - TN-1 TRANSITIONAL NEIGHBORHOOD

**Supervisors**

Endorsement #	Name	Address	City	Phone
1000000000	...	...	...	...
1000000000	...	...	...	...
1000000000	...	...	...	...

I hereby certify that the preceding presents the applicable zoning regulations with respect to the Additional Property (Sheetz), as set forth in the City of Franklin Zoning Map, effective February 26, 2023.

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Clerk of Council  
City of Franklin, Ohio

## **EXHIBIT D**

### **Development Program**

#### **Proposed Location and Elements of the Development**

The Property, upon approval of City Council, will be added to the District. The Property when developed will be situated on approximately 2.4899 acres generally located within the City of Franklin, Warren County, Ohio and generally situated at the corner of Watkins Glen Drive and North State Route 123. The development will include the construction of a restaurant, convenience store and fuel station development project, together with necessary appurtenances related thereto, and will comply with the City of Franklin, Ohio Zoning Resolution requirements with respect to properties zoned General Commercial, as modified by the conditional use and major site plan applications approved by the City of Franklin Planning Commission dockets PC23-02, PC 23-03, and PC23-04.

#### **Community Facilities**

The community facilities (the “Community Facilities”) in support of the Property include, but are not limited to, those Community Facilities approved by the Council in “Exhibit D” of the Petition. In addition, the Community Facilities in support of the Additional Property (Sheetz) include the North State Route 123 Improvements (defined below).

The Property Owner, on behalf of the Developer, intends to construct certain Community Facilities related to improvements generally consisting of acquiring and constructing the infrastructure along North State Route 123, including: roadway design, mast arm signaling, right turn widening, site frontage widening, left turn widening, and ODOT sign relocations (together, the “North State Route 123 Improvements”).

#### **Proposed Traffic Circulation Pattern**

A traffic analysis was completed for the Property and appears in Exhibit E to this Application.

#### **Plan of Finance**

The community development charge revenues generated from the Property will be used to pay a portion of certain costs of the Community Facilities, the North State Route 123 Improvements and any other costs of the Authority.

As provided by Exhibit F of the Petition, the Plan of Finance for the Property includes the Plan of Finance for the Authority’s District as modified by Item 1 of this Application.

**EXHIBIT E**

**Traffic Study**

The attached traffic study was completed for the Property.

[Attached]

## EXHIBIT F

### **A. Area Development Pattern and Demand**

The primary uses of land in and near the District are industrial, residential and commercial. The Developer anticipates the increased demand for residential housing will continue to rise and the development plan for the District, as it is expanded from time to time, will be completed within approximately twenty years.

### **B. Location and Proposed District Size**

The new community district of the Franklin New Community Authority (the “District”) is located entirely within the City of Franklin (the “City”) and Warren County, Ohio, as shown on the map attached as Exhibit A. The District is approximately 11 acres in size.

### **C. Present and Future Socio-Economic Conditions**

Historically, categorized as a disadvantaged community, poverty and lack of education have stifled the City of Franklin. CDBG Funding has been a crutch that the city relies upon to complete capital improvement projects. The City of Franklin currently ranks amongst the lowest in socio-economics in Warren County. Within 1 mile of the NCA District, twenty-five percent of the population does not have a high school diploma. Future growth will provide opportunities for higher education, higher paying employment and opportunities that otherwise do not exist within the city. There will be an investment of \$7 million in a streetscape project along Main Street. Another \$15 million investment to develop the riverfront is currently being studied as well. There are two developments that are estimated a \$22 million investment and a \$37 million investment. Both of these opportunities will provide downtown living, retail and commercial space.

### **D. Public Services Provision**

The City will provide the District with fire and EMS, police, refuse, water, sanitary sewer and storm sewer services. The Authority is not expected to directly provide any public services or utilities. The District is served by the Franklin City School District. Gas and communications services are available from various providers.

### **E. Financial Plan**

The City intends to utilize debt and equity to fund the construction of the District. The Authority will not provide financing for the private improvements within the District. The City expects that revenues from the operations of the District will be sufficient to repay any debt borrowed to fund its developments and provide an adequate return to attract equity investment for its development.

### **F. Developer’s Management Capability**



The City, the Authority, an Ohio port authority, or a private developer might construct District improvements. The management capability of the City is described on Exhibit G hereto.

**EXHIBIT G**

**Information about the Developer and Property Owner**

**Developer's Management Capabilities**

See City audit on file with Clerk.

**Franklin Watkins Glen, LLC Management Capabilities:**

**[SHEETZ TO PROVIDE]**



**EXHIBIT H**

**PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR THE ADDITIONAL  
PROPERTY**

[Attached]

## **ITEM 1**

Amendment to “Exhibit F” as approved by the Council pursuant to City Ordinance 2023-10

### **EXHIBIT F**

#### **FINANCIAL PLAN**

The City seeks to create the Authority to promote and coordinate the financing and construction of Community Facilities that are necessary from time to time to support development in the District. Initial plans for these Community Facilities are detailed in Exhibit D. The City may pay costs of Community Facilities directly or may consider financing the Community Facilities through the issuance, whether directly or on a conduit basis, of bonds secured by the Community Development Charge.

#### **Determination of Community Development Charges**

The Authority will impose one or more Community Development Charges on portions of the Initial Property or on Additional Properties (together, the “District Properties”) determined as generally described in this Exhibit F, and specifically upon the filing of a declaration of covenants and restrictions filed on real property within the District, as the same may be amended, modified, or supplemented from time to time (the “Declaration”). Although the City does not contemplate the establishment of Community Development Charges with respect to the Initial Property within the District because that property is currently exempt real property, the City and the Authority reserve the right to cause the establishment of Community Development Charges with respect to this real property in the future.

The Community Development Charges applicable to the District Properties are anticipated to equal the following, provided that the District Properties are not otherwise exempt real property because of their use:

(1) For District Properties located within any of the City’s Community Reinvestment Areas:

(a) a Community Development Charge amount equal to the total effective millage of real property taxes attributable to the increase in assessed valuation of real property that would have been payable upon such property but for any applicable Community Reinvestment Area abatement (the “Abatement Replacement Charge”);

(b) an additional Community Development Charge amount to exceed the Replacement Charge (the “Additional Charge”), but in no event shall the Additional Charge amount exceed five (5) mills; provided, that the Additional Charge shall be determined upon approval of the City and shall be implemented by filing a declaration or supplemental declaration applicable to such property; and

(c) the amounts, as applicable, to any Retail Charge (defined below) and/or any Hotel Charge (defined below); and

(2) For District Properties that are not located within any of the City's Community Reinvestment Areas and that are devoted to commercial, commercial hotel, commercial retail, multi-family, office space, or industrial purposes:

(a) a Community Development Charge of five (5) mills; and

(b) the amounts, as applicable, to any Retail Charge (defined below) and/or any Hotel Charge (defined below); and

(3) For District Properties that are not located within any of the City's Community Reinvestment Areas and that are devoted to single-family (and not multi-family) residential purposes:

(a) a Community Development Charge amount equal to five (5) mills (the "Minimum Residential Charge"); and

(b) an additional Community Development Charge amount to exceed the Minimum Residential Charge (the "Additional Residential Charge"), but in no event shall the Additional Residential Charge exceed five (5) mills; provided, that the Additional Residential Charge shall be determined upon approval of the City and shall be implemented by filing a declaration or supplemental declaration applicable to such property; and

(4) For District Properties that are devoted to commercial retail purposes, a charge consisting of an amount equal to a certain percentage of the gross receipts from the operations of any retail business in the District, as agreed upon by the owner of such real property and the Board (the "Retail Charge"); provided, that any Retail Charge shall be determined upon approval of the City and shall be implemented by filing a declaration or supplemental declaration applicable to such property;

(5) For District Properties that are devoted to commercial hotel purposes, a charge consisting of an amount equal to a certain percentage of the gross receipts from transactions by which lodging is, or is to be, furnished by a hotel within the District, as agreed upon by the owner of such real property and the Board (the "Hotel Charge"); provided, that any Hotel Charge shall be determined upon approval of the City and shall be implemented by filing a declaration or supplemental declaration applicable to such property; and

(6) Such other Community Development Charges as may be requested by the Developer or a property owner, to be further determined upon approval of the City and implemented by filing a declaration or supplemental declaration applicable to the affected property.

### **Allocation of Community Development Charges**

The Community Development Charges shall be allocated and applied as follows:

(1) To the Authority, for payment of Authority administrative costs, including costs of the City in support of the Authority in an amount not to exceed \$5,000 annually that are invoiced by the City to the Authority;

- (2) To the Authority, to pay costs of Community Facilities, including but not limited to acquisition, construction, maintenance, and operation thereof; and
- (3) The balance, after deduction of Authority administrative costs, to the City to pay costs of Community Facilities selected by the City.

**Timing and Collection of the Community Development Charges**

The Community Development Charge will be imposed on the District Properties upon approval thereby of the Board.

As permitted by Section 349.07 of the Ohio Revised Code, the Authority may certify the Community Development Charges to the Warren County Auditor, who will enter the Community Development Charges on the tax list and duplicate of real property and certify the Community Development Charge to the Warren County Treasurer for collection with the tax bills.

**Illustrative Example of Impact of Community Development Charge for Tax Year 2022**

The below table demonstrates the evaluation of each mill for different property classifications and at different assessed valuations using tax year 2022 effective rates. The below chart is for illustration purposes only and actual Community Development Charges for each of the District Properties shall be subject to official certification by the Authority:

**Tax Millage Evaluation - Franklin City / Franklin City School District**

<b>\$100,000 of Assessed Valuation - Residential</b>				
Effective Tax Res/Ag Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
56.47	\$5,647	1.00	\$100	\$5,747
56.47	\$5,647	2.00	\$200	\$5,847
56.47	\$5,647	3.00	\$300	\$5,947
56.47	\$5,647	4.00	\$400	\$6,047
56.47	\$5,647	5.00	\$500	\$6,147

<b>\$100,000 of Assessed Valuation - Commercial</b>				
Effective Tax Com/Ind Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
61.8	\$6,180	1.00	\$100	\$6,280
61.8	\$6,180	2.00	\$200	\$6,380
61.8	\$6,180	3.00	\$300	\$6,480
61.8	\$6,180	4.00	\$400	\$6,580
61.8	\$6,180	5.00	\$500	\$6,680

<b>\$150,000 of Assessed Valuation - Residential</b>				
Effective Tax Res/Ag Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
56.47	\$8,471	1.00	\$150	\$8,621
56.47	\$8,471	2.00	\$300	\$8,771
56.47	\$8,471	3.00	\$450	\$8,921
56.47	\$8,471	4.00	\$600	\$9,071
56.47	\$8,471	5.00	\$750	\$9,221

<b>\$250,000 of Assessed Valuation - Commercial</b>				
Effective Tax Com/Ind Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
61.8	\$15,450	1.00	\$250	\$15,700
61.8	\$15,450	2.00	\$500	\$15,950
61.8	\$15,450	3.00	\$750	\$16,200
61.8	\$15,450	4.00	\$1,000	\$16,450
61.8	\$15,450	5.00	\$1,250	\$16,700

<b>\$200,000 of Assessed Valuation - Residential</b>				
Effective Tax Res/Ag Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
56.47	\$11,294	1.00	\$200	\$11,494
56.47	\$11,294	2.00	\$400	\$11,694
56.47	\$11,294	3.00	\$600	\$11,894
56.47	\$11,294	4.00	\$800	\$12,094
56.47	\$11,294	5.00	\$1,000	\$12,294

<b>\$500,000 of Assessed Valuation - Commercial</b>				
Effective Tax Com/Ind Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
61.8	\$30,900	1.00	\$500	\$31,400
61.8	\$30,900	2.00	\$1,000	\$31,900
61.8	\$30,900	3.00	\$1,500	\$32,400
61.8	\$30,900	4.00	\$2,000	\$32,900
61.8	\$30,900	5.00	\$2,500	\$33,400

<b>\$250,000 of Assessed Valuation - Residential</b>				
Effective Tax Res/Ag Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
56.47	\$14,118	1.00	\$250	\$14,368
56.47	\$14,118	2.00	\$500	\$14,618
56.47	\$14,118	3.00	\$750	\$14,868
56.47	\$14,118	4.00	\$1,000	\$15,118
56.47	\$14,118	5.00	\$1,250	\$15,368

<b>\$1,000,000 of Assessed Valuation - Commercial</b>				
Effective Tax Com/Ind Rate	Real Property Tax	NCA Millage	NCA Charge	Total Tax Charge
61.8	\$61,800	1.00	\$1,000	\$62,800
61.8	\$61,800	2.00	\$2,000	\$63,800
61.8	\$61,800	3.00	\$3,000	\$64,800
61.8	\$61,800	4.00	\$4,000	\$65,800
61.8	\$61,800	5.00	\$5,000	\$66,800

\* Tax Year 2022 Effective Tax Rates