



LEGISLATIVE COVER MEMO

Meeting Date: February 2, 2025

Agenda Item: **Resolution 2026-10**

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: Karisa Steed, Assistant City Manager/Econ. Development

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, the application ("Application") attached to this Resolution as Exhibit A is being submitted by the property owner for real property located within the City on 5000 Commerce Center Drive and identified by parcel identification number 0421400023. 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 infrastructure improvements to such property that otherwise would have been needed to be constructed 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 2026-10

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 February 2, 2026, the Statutory Developer, together with Immobiltec USA, Inc. (the “Property Owner”), filed an application (the “Application”) with this Council requesting that certain parcels of real property identified therein as the Additional Property (Immobiltec Project Site) and owned by the Property Owner be added to the District; and

WHEREAS, pursuant to Section 4 of that certain Development Agreement, dated effective April 23, 2025, by and between Property Owner and the City (the “Development Agreement”), the Property Owner agreed, among other things, to consent to the addition of the Additional Property (Immobiltec Project Site) to the District; and

WHEREAS, through its adoption of Resolution No. 2025-21, the City approved the Development Agreement and authorized the City Manager, or his or her designee, to implement the Development Agreement on behalf of the City; 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 (Immobiltec Project Site) in connection with the addition of the Additional Property (Immobiltec Project Site) 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 Application on March 16, 2026 at the chambers of the City Council, One Benjamin Franklin Way, Franklin, Ohio 45005, at 5:30 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: February 2, 2026

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 February 2, 2026.

Khristi Dunn, Clerk of Council

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

(See attached.)

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.

Immobiltec USA, Inc., a Georgia corporation (the “Property Owner”), is the owner of the Additional Property (Immobiltec Project Site), as defined herein, to be added to the District by this application (the “Application”).

Pursuant to Section 4 of that certain Development Agreement, dated effective April 23, 2025, by and between Property Owner and the City (the “Development Agreement”), the Property Owner agreed, among other things, to consent to the addition of the Additional Property (Immobiltec Project Site) to the District.

Pursuant to Section 3 of the Development Agreement, the Additional Property (Immobiltec Project Site) is within that certain community reinvestment area designated as “Community Reinvestment Area #4,” and the Property Owner is entitled to apply for a 100% tax abatement on the increase of assessed value resulting from the construction of a new commercial or industrial structure, or structures, or the increased assessed valuation of an existing structure after remodeling began, for up to fifteen (15) years (the “CRA Exemption”).

Through its adoption of Resolution No. 2025-21, the City approved the Development Agreement and authorized the City Manager, or his or her designee, to implement the Development Agreement on behalf of the City.

As authorized by Ohio Revised Code Section 349.03, and in accordance with the Development Agreement, 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 (Immobiltec Project Site). The Property Owner seeks the addition to the District of certain real property consisting of approximately 56.8047 acres in the City (the “Additional Property (Immobiltec Project Site)”), which Additional Property (Immobiltec Project Site) is identified in the records of the Warren County Auditor at the time of this Application being parcel identification no. 0421400023, and as described more particularly in the legal description attached hereto as Exhibit A and as depicted in the map attached hereto as Exhibit B, which identifies the location of the Additional Property (Immobiltec Project Site) and outlines the initial plan of development for the Additional Property (Immobiltec Project Site), the Additional Property (Immobiltec Project Site) is generally situated at 5000 Commerce Center Drive in the City. The Additional Property (Immobiltec Project Site) is owned by or is under the control of the Property Owner as evidenced by that certain Limited Warranty Deed identified by instrument number 2019-014952, as filed in the permanent land records of the Warren County Recorder on June 10, 2019. The Property Owner hereby confirms that the addition of the Additional Property (Immobiltec Project Site) 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 (Immobiltec Project Site) is currently zoned as I-1 (Light Industrial District), the intent of which is to provide for industrial and office uses that are not of an intensity to produce objectionable impacts on adjacent development. A copy of the Council’s zoning resolution appears as Exhibit C hereto.
3. Development Plan. The Property Owner plans to provide for the construction of one or more additional structures as part of an approximately 180,000 square foot expansion project of an industrial facility, together with necessary appurtenances related thereto, on the Additional Property (Immobiltec Project Site). 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 (Immobiltec Project Site). Exhibit D hereto provides additional details regarding the development plan and anticipated improvements to the Additional Property (Immobiltec Project Site).
4. Community Development Charge. The Property Owner proposes to pay the costs of the Community Facilities through the levy and collection of an Abatement Replacement Charge (as defined in the Petition) to be calculated annually by an authorized representative of the Authority and approved by the Developer to equal an amount so that (a) the total Abatement Replacement Charge payable each calendar year does not exceed 75% of the amount of real property taxes exempted in such calendar year by the CRA Exemption (i) commencing in the first tax collection year that the amount of real property taxes payable by the Developer with respect to the Project Site are reduced by the CRA Exemption, and (ii) for a period of ten (10) years, and (b) the total Abatement Replacement Charge payable each calendar thereafter does not exceed 100% percent of the amount of real property tax exempted in any calendar year as a result of CRA Exemption. 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 (Immobiltec Project Site), 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 (Immobiltec Project Site), 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.

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 (Additional Property Map), Exhibit D (Development Program), Exhibit E (demographic information for the City of Franklin, Ohio), Exhibit F (Information about Property Owner), and Exhibit G (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 (Immobiltec Project Site). 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 (Immobiltec Project Site), or a summary thereof, is attached to this Application as Exhibit G.
7. Amendments to Petition. For purposes of this Application, the Petition is hereby amended to include the Additional Property (Immobiltec Project Site) within the District. The Additional Property (Immobiltec Project Site) 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 (Immobiltec Project Site).
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, and G, are part of this Application, and the Petition and the exhibits thereto, except as amended by this Application, 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 Property Owner consents to the addition of the Additional Property (Immobiltec Project Site) as provided by this Application and the amendment of the Petition as provided by this Application.

**Immobiltec USA, Inc., as
Property Owner**

By: Step Miller
Name: Stephen Miller
Title: Treasurer

State of Maine ::
County of Oxford : ss

The foregoing instrument was acknowledged before me this 3rd day of December, 2025 by Stephen Miller of Immobiltec USA, Inc., a Georgia corporation, on behalf of the company.

Kaylina Ann Diedricks
Notary Public

KAYLINA ANN DIEDRICKS
Notary Public
Maine
My Commission Expires
DECEMBER 23, 2031



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 Additional Property (Immobiltec Project Site) is the real property located in the City of Franklin, County of Warren, consisting of tax year 2024 parcel number 0421400023 (including any subsequent combinations and/or subdivisions of the current parcel number) and depicted on the below map (outlined in blue):

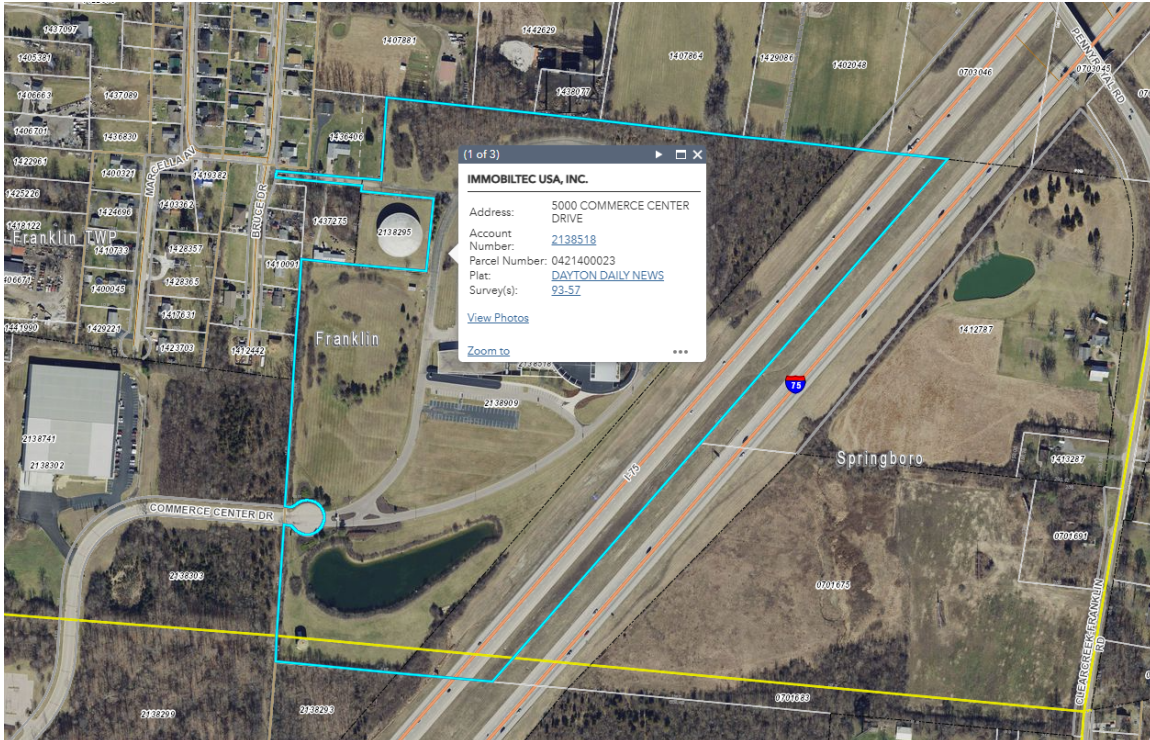


EXHIBIT B

Map

The attached map shows the location of the Additional Property (Immobiltec Project Site).

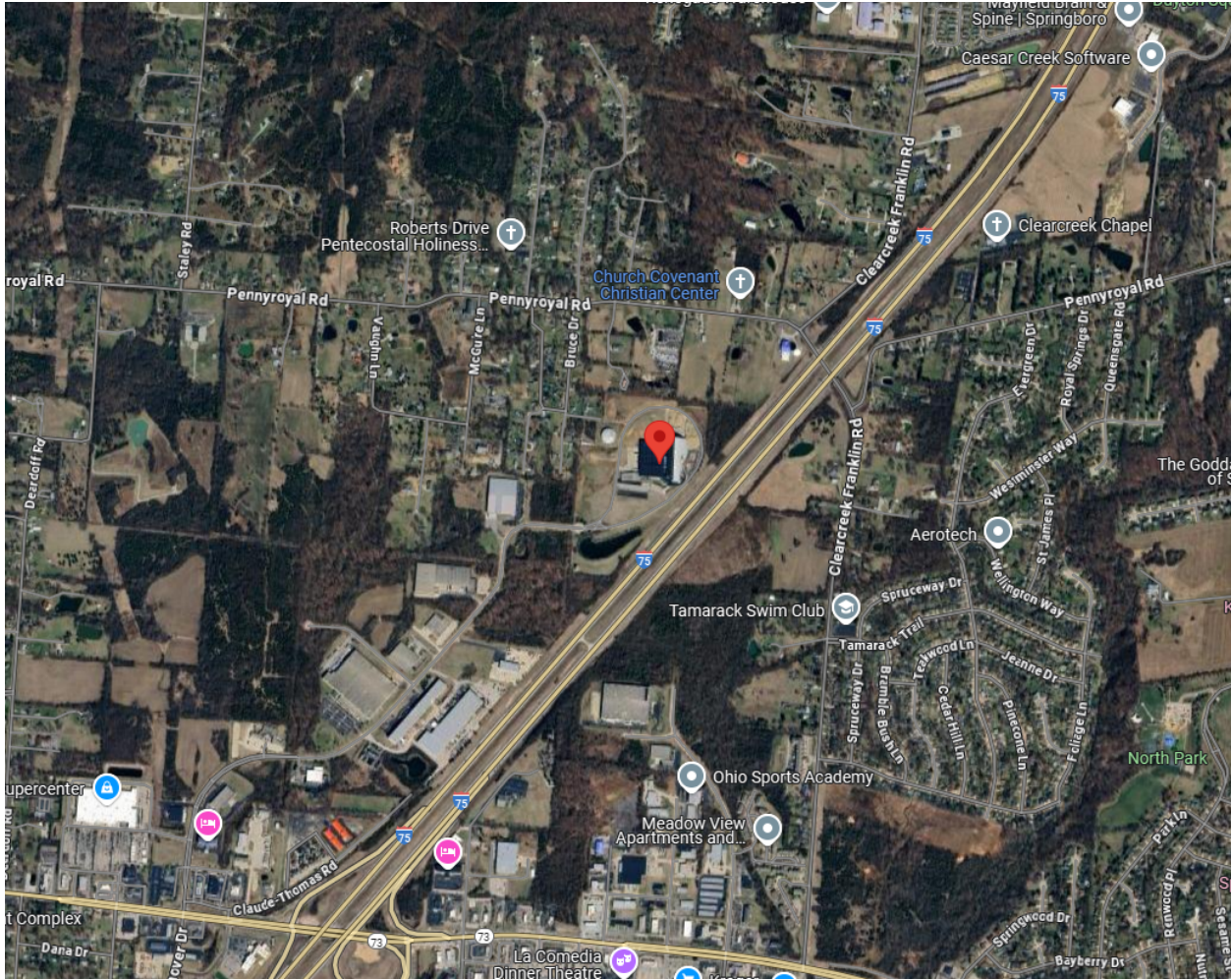
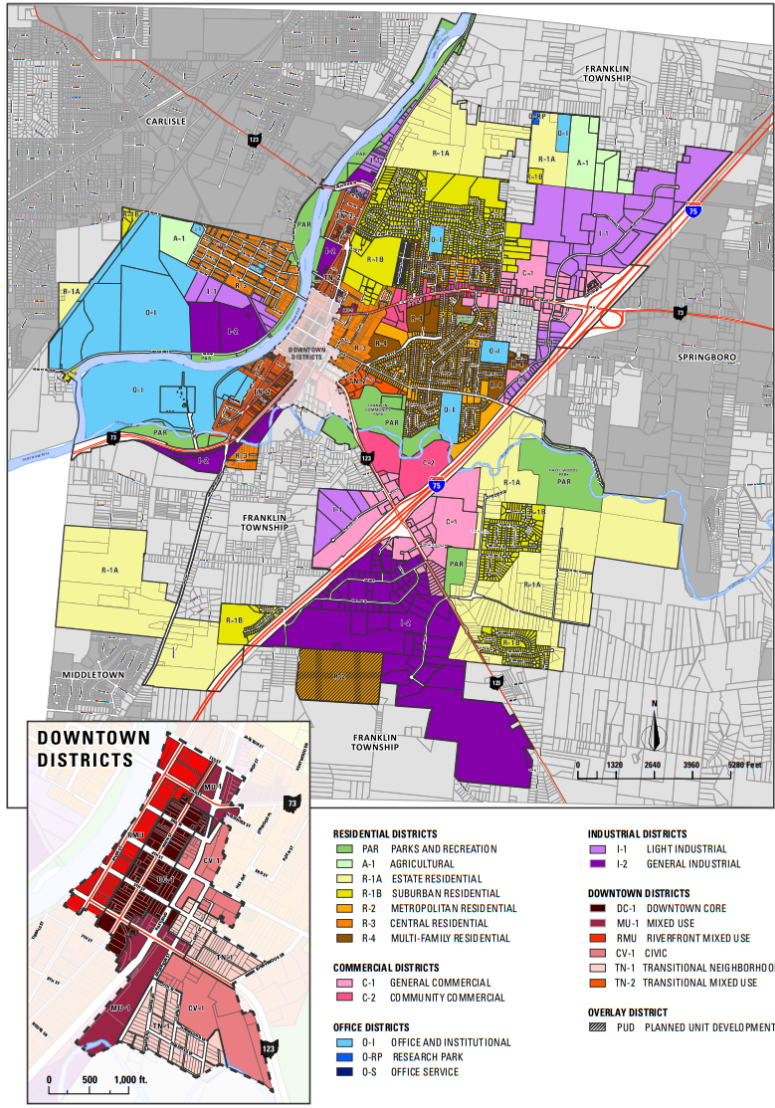


EXHIBIT C

City of Franklin, Ohio Zoning

CITY OF FRANKLIN OFFICIAL ZONING MAP

Ordinance 2025-04
Passed 02/03/2025
Effective Date 03/05/2025



I hereby certify that the preceding presents the applicable zoning regulations with respect to the Additional Property (Immobiltec Project Site), as set forth in the City of Franklin Zoning Map, effective March 5, 2025.

Kristi Dunn
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 56.8047 acres generally located within the City of Franklin, Warren County, Ohio and generally situated at 5000 Commerce Center Drive. The development will include an approximately 180,000 square foot expansion project of an industrial facility (the “Immobiltec Project”), together with necessary appurtenances related thereto, and will comply with the City of Franklin, Ohio Zoning Resolution requirements with respect to properties zoned as I-1 (Light Industrial District), the intent of which is to provide for industrial and office uses that are not of an intensity to produce objectionable impacts on adjacent development. A copy of the Council’s zoning resolution appears as Exhibit C hereto.

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 (Immobiltec Project Site) include the Immobiltec Project Community Facilities (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 in support of the Immobiltec Project (together, the “Immobiltec Project Community Facilities”).

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 Immobiltec Project Community Facilities and any other costs of the Authority.

Exhibit F of the Original Petition contains the Plan of Finance for the Property.

EXHIBIT E

The Area Development Pattern and Demand, Location and Proposed District Size, Present and Future Socio-Economic Conditions, Public Services Provision, Financial Plan, and Developer's Management Capability are substantially unchanged from the information contained in the Original Petition.

The Location and Proposed District Size and the Financial Plan will be supplemented with the following updates:

Location and Proposed District Size

As to the District's size, the Additional Property (Immobiltec Project Site) is located entirely within the City and consists of approximately 56.8047 acres, which will increase the total District size to approximately 179.5476 acres.

Financial Plan

The City will utilize debt and equity, intergovernmental contracts, and development agreements to cause the construction of the Community Facilities, the Immobiltec Project Community Facilities, and the costs of the Authority.

In accordance with Section 4 of the Development Agreement, the Additional Property (Immobiltec Project Site) will be subject to an Abatement Replacement Charge in an amount not to exceed the amount of real property taxes abated as part of a Community Reinvestment Area program created under Sections 3735.65 through 3735.70 of the Ohio Revised Code (the "CRA Exemption"). The Abatement Replacement Charge shall be calculated annually by an authorized representative of the Authority and approved by the Property Owner to equal an amount so that (a) the total Abatement Replacement Charge payable each calendar year does not exceed 75% of the amount of real property taxes exempted in such calendar year as a result of the CRA Exemption (i) commencing in the first tax collection year that the amount of real property taxes payable by the Property Owner with respect to the [Project Site] are reduced by the CRA Exemption, and (ii) for a period of ten (10) years, and (b) the total Abatement Replacement Charge payable each calendar thereafter does not exceed 100% percent of the amount of real property tax exempted in any calendar year as a result of CRA Exemption.

EXHIBIT F

Information about the Developer and Property Owner

Developer's Management Capabilities

See City audit on file with Clerk.

Immobiltec USA, Inc. Management Capabilities:

Immobiltec USA, Inc. ("Immobiltec") is Real Estate Company that has operations in Ohio and Georgia with main offices in New York. Immobiltec conducts a wide range of project planning and management activities related to purchase and leasing of real property. Based in New York, Immobiltec has leased and maintained property in GA and OH as well as acquired additional property in OH during the twelve month period ended December 31, 2024.

EXHIBIT G

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

The Phase I Environmental Site Assessment referred to in the Application to which this Exhibit G is attached is that certain Phase I Environmental Site Assessment (ASTM Practice E 1527-13), dated April 12, 2019, conducted by NV5 Transactional Services, previously branded as Bock & Clark (NV5), on behalf of Pachter, Gregory & Raffaldini, P.C.