



LEGISLATIVE COVER MEMO

Meeting Date: April 6, 2026

Agenda Item: **Resolution 2026-23**

APPROVING THE APPLICATION TO ADD CERTAIN REAL 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: 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 B is being submitted by the property owner for real property located within the City on 0 Commerce Center Drive and identified by parcel identification number 04-26-426-034. 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: Description of Property

Exhibit B: 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 2026-23

APPROVING THE APPLICATION TO ADD CERTAIN REAL 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

WHEREAS, pursuant to Ohio Revised Code (“R.C.”) Chapter 349, the City of Franklin, Ohio is the statutory developer within the meaning of R.C. Section 349.01(E) (the “City” or “Developer”) for the Franklin New Community Authority (the “Authority”), as established by that certain petition (the “Petition”) originally filed with the Clerk of Council of the City; and

WHEREAS, this City Council (“Council”) is the “organizational board of commissioners,” as that term is defined in R.C. Section 349.01(F), for the Authority; and

WHEREAS, FHD Real Estate, LLC, an Ohio limited liability company (the “Property Owner”) is the owner of the Additional Property (Lee’s Famous Recipe Project Site) described in that certain application (the “Application”) filed on March 2, 2026 with this Council, which Application, if approved, would add real property to the territory comprising the Franklin New Community Authority District (the “District”) and amend the Petition; and

WHEREAS, pursuant to Section 4 of that certain Development Agreement, dated effective October 13, 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 (Lee’s Famous Recipe Project Site) to the District; and

WHEREAS, through its adoption of Resolution No. 2025-72, 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, this Council determined that the Application complies with the requirements of R.C. Section 349.03 as to form and substance by its Resolution 2026-21, adopted on March 2, 2026; and

WHEREAS, on April 6, 2026 and pursuant to R.C. Section 349.03(A), this Council held a public hearing on the Application after public notice was duly published in accordance with R.C. Section 349.03;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Franklin, Ohio;

SECTION 1. Council finds and determines that the addition of property to the District, as described in the Application, will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the continued development of a new community as defined in R.C. Section 349.01(A).

SECTION 2. The Application is hereby accepted and shall be recorded, along with this Resolution, in the journal of Council, as the organizational board of commissioners.

SECTION 3. The existing boundary of the District shall be amended to include the territory set forth in Exhibit A attached to this Resolution.

SECTION 4. Council finds and determines that all formal actions of City Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that result in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. This Resolution is effective immediately upon its adoption.

ADOPTED: April 6, 2026

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

The undersigned, Clerk of the Council of the City of Franklin, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution 2026-23 passed by the City Council of the City of Franklin, Ohio on the 6th day of April, 2026

Clerk of Council

EXHIBIT A

Additional Property (Lee's Famous Recipe Project Site)

The Additional Property (Lee's Famous Recipe Project Site) is the real property located in the City of Franklin, County of Warren, consisting of tax year 2024 parcel number 04-26-426-034 (including any subsequent combinations and/or subdivisions of the current parcel number) and depicted on the below map (outlined in blue):

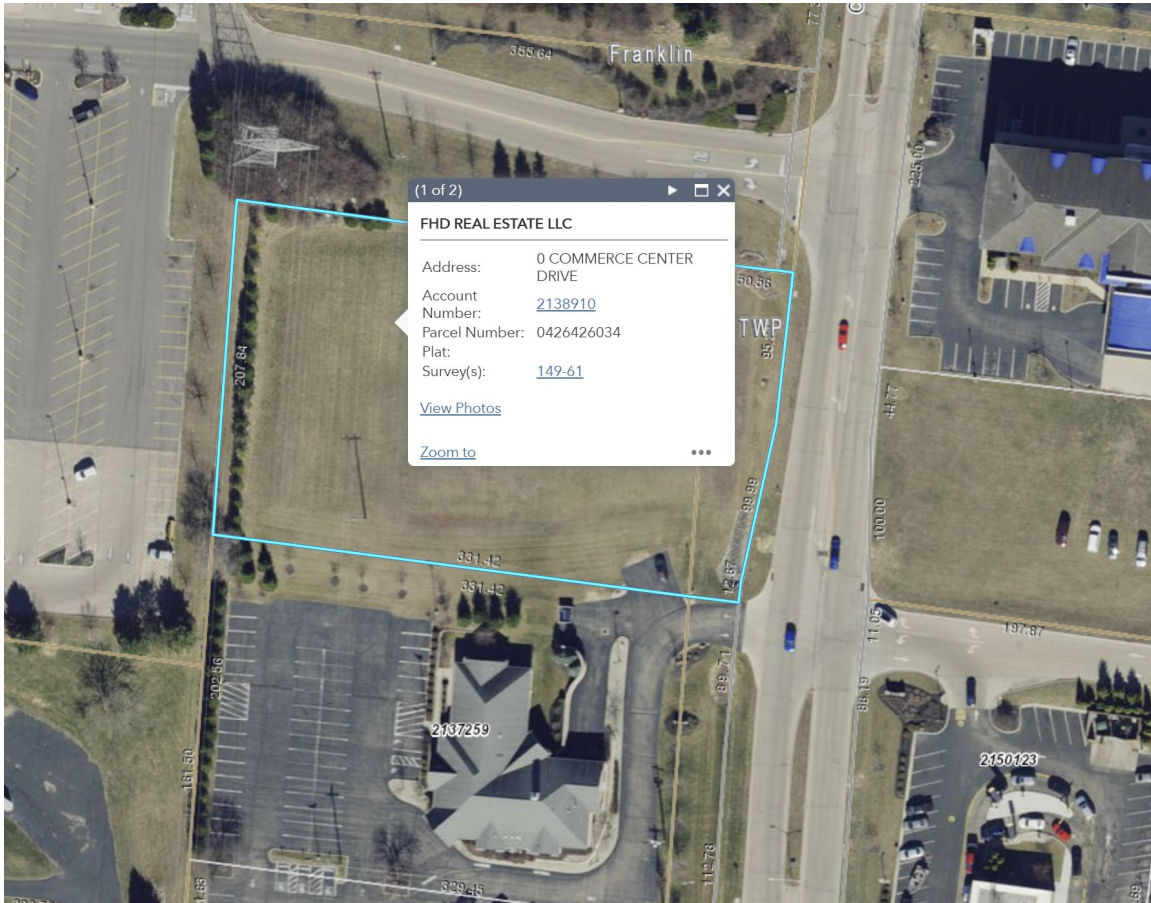


EXHIBIT B

**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.

FHD Real Estate, LLC, an Ohio limited liability company (the “Property Owner”), is the owner of the Additional Property (Lee’s Famous Recipe 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 October 13, 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 (Lee’s Famous Recipe Project Site) to the District.

Pursuant to Section 3 of the Development Agreement, the Additional Property (Lee’s Famous Recipe 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. 2025-72, 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 (Lee’s Famous Recipe Project Site). The Property Owner seeks the addition to the District of certain real property consisting of approximately 1.634 acres in the City (the “Additional Property (Lee’s Famous Recipe Project Site)”), which Additional Property (Lee’s Famous Recipe Project Site) is identified in the records of the Warren County Auditor at the time of this Application being parcel identification number 04-26-426-034, 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 (Lee’s Famous Recipe Project Site) and outlines the initial plan of development for the Additional Property (Lee’s Famous Recipe Project Site), the Additional Property (Lee’s Famous Recipe Project Site) is generally situated at 0 Commerce Center Drive in the City. The Additional Property (Lee’s Famous Recipe Project Site) is owned by or is under the control of the Property Owner as evidenced by that certain General Warranty Deed identified by instrument number 2025-000624, as filed in the permanent land records of the Warren County Recorder on January 10, 2025. The Property Owner hereby confirms that the addition of the Additional Property (Lee’s Famous Recipe 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 (Lee’s Famous Recipe Project Site) is currently zoned as C-1 (General Commercial District), the intent of which is to provide for general commercial activity, including a wide range of goods and services that will serve the region. A copy of the Council’s zoning resolution appears as Exhibit C hereto.
3. Development Plan. The Property Owner plans to develop and construct thereon approximately 2,389± sq. ft. quick service restaurant, together with necessary appurtenances related thereto, on the Additional Property (Lee’s Famous Recipe 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 (Lee’s Famous Recipe Project Site). Exhibit D hereto provides additional details regarding the development plan and anticipated improvements to the Additional Property (Lee’s Famous Recipe Project Site).
4. Community Development Charge. The Property Owner proposes to pay the costs of the Community Facilities through the levy and collection of Community Development Charges as follows: (i) a CRA Abatement Replacement Charge (as defined in the Declaration described below) to be calculated annually by an authorized representative of the Authority and approved by the Developer equal to one-hundred percent (100%) of the total effective millage of the real property taxes attributable to the increase in assessed valuation of the real property that would have been payable upon the Additional Property (Lee’s Famous Recipe Project Site) but for the CRA Exemption, (ii) an Additional Charge (as defined in the Declaration) equal to five (5) mills, and (iii) a Sales Charge (as defined in the Declaration) to be calculated annually by an authorized representative of the Authority and approved by the Developer to equal one percent (1.0%) of gross receipts of any Sale (as defined in the Declaration) from the operations of the Project Site. 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 (Lee’s Famous Recipe 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 (Lee’s Famous Recipe 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.

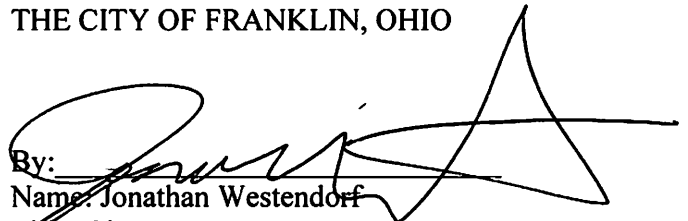
5. Economic Feasibility. The economic feasibility analysis for the District, including the area development pattern and demand, location and territory size, present and future socio-economic conditions, public services provision, financial plan, and the Developer’s management capability, are attached 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 (Lee’s Famous Recipe Project Site). Property Owner shall comply with all applicable environmental laws and regulations. As evidenced of such anticipated compliance by the Property Owner, the Subsurface Exploration and Geotechnical Engineering Due Diligence Report relating to the Additional Property (Lee’s Famous Recipe 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 (Lee’s Famous Recipe Project Site) within the District. The Additional Property (Lee’s Famous Recipe 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 (Lee’s Famous Recipe 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 Developer consents to the addition of the Additional Property (Lee's Famous Recipe Project Site) 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 2 day of March, 2026.

Respectfully submitted,

THE CITY OF FRANKLIN, OHIO

By: 
Name: Jonathan Westendorf
Title: City Manager

State of Ohio :
County of Warren : ss

The foregoing instrument was acknowledged before me this 1 day of April, 2026 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



Khristian Dunn
Notary Public, State of Ohio
My Commission Expires:
12/21/2030

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 (Lee's Famous Recipe Project Site) as provided by this Application and the amendment of the Petition as provided by this Application.

**FHD Real Estate, LLC, as
Property Owner**

By: Charles F. Doran
Name: Charles F. Doran
Title: Owner

State of Ohio :
County of Montgomery : SS

The foregoing instrument was acknowledged before me this 11 day of Feb., 2026 by Charles Doran of FHD Real Estate, LLC, an Ohio limited liability company, on behalf of the company.

Laura Creeger
Notary Public



LAURA CREEGER
Notary Public
State of Ohio
My Comm. Expires
March 28, 2028

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

Situate in Section 26, Town 2, Range 5, MRS, in the City of Franklin, Franklin Township, Warren County, Ohio, and being all of a 1.6338 acre-parcel, deeded to "357 East Second Street LLC", recorded in Official Record 5360, Page 78 of the Warren County Deed Records (being part of Lot 4 of Franklin Commerce Center, Section 1 as recorded in Plat Book 23, Page 4 of the Warren County Plat Records), and being more particularly described as follows:

Beginning at a southeast corner of Wal-Mart Franklin Subdivision, recorded in Plat Book 69, Page 12, of the Warren County Plat Records and the northeast corner of said 1.6338 acre parcel, witness a found 5/8" iron pin, bearing North 65°22'12" West, a distance of 1.11', said corners being in the westerly right-of-way of Commerce Center Drive and being the true point of beginning for this parcel;

Thence, with an easterly line of said 1.6338 acre parcel and the westerly right-of-way of Commerce Center Drive, South 07°45'45" West, a distance of 95.24 feet, to a set 5/8" capped iron pin stamped "WYCO-7628";

Thence, continuing with an easterly line of said 1.6338 acre parcel and the westerly right-of-way of Commerce Center Drive, South 13°30'03" West, a distance of 99.99 feet, to a set 5/8" capped iron pin stamped "WYCO-7628".

Thence, continuing with an easterly line of said 1.6338 acre parcel and the westerly right-of-way of Commerce Center Drive, South 07°45'42" West, a distance of 12.67 feet, to a corner, witness a found Mag Spike, bearing North 81°31'28" West, a distance of 5.04 feet;

Thence with the south line of said 1.6338 acre parcel and the north line of a 1.5309 acre parcel, deeded to "CWA 360 LLC", recorded in Official Record 5531, Page 711 of the Warren County Deed records, North 81°31'28" West, a distance of 331.42 feet, to a found 5/8" capped iron pin stamped "WYCO-7628", said iron pin also being in an easterly line of Lot 2 of said Wal-Mart Franklin Subdivision.

Thence, with the west line of said 1.6338 acre parcel and an easterly line of said Lot 2, North 05°14'32" East, a distance of 207.84 feet, to a corner, witness a found pinched iron pipe, bearing South 48°07'00" West, a distance of 1.08 feet;

Thence, with the north line of said 1.6338 acre parcel and a southerly line of Lot 2 of said Wal-Mart Franklin Subdivision, South 81°31'28" East, a distance of 360.56 feet, to the true place of beginning. Containing 1.6338 acres (being 0.2047 acres of Part Lot 4, P.B. 23, Page 4 and 1.4291 acres of unplatted land), more or less.

The above described parcel is subject to a 150' Electric Easement as recorded in Deed Book 300, Page 372, of the Warren County Deed Records.

The above described parcel is subject to a 24.5' Electric Easement as recorded in Official Record

The above described parcel is subject to a 25' Drainage and Utility Easement as recorded in Plat Book 23, Page 4, of the Warren County Plat Records.

The above described parcel is subject to an Ingress/Egress easement as recorded in Official Record 5360, Page 78, of the Warren County Deed Records.

The above described parcel is subject to a 30' Ingress/Egress easement as recorded in Official Record 3055, Page 765, of the Warren County Deed Records.

The above described parcel is subject to a 32' Duke Energy Utility Easement as recorded in Official Record 5472, Page 548, of the Warren County Deed Records.

Bearings noted hereon are based on Ohio State Plane Coordinate System (OSPC) - South Zone, NAO 83 as derived from the Ohio Department of Transportation Virtual Reference Stationing System. Distances are based on Ground Distances. The Grid to Ground Scale Factor used is 1.0000924587.

The above description is the result of a survey prepared by WYCO Consulting, Inc., Ruth H. Campbell, Ohio Registered Surveyor No. 7628 dated January 18, 2019, the survey of which is filed in Volume 149, Plat No. 61, of the Warren County Engineer's Record of Land Surveys.

ALSO THE FOLLOWING EASEMENT: 04-26-426-034 easement GS
04-26-426-031 easement GS

Situate in Section 26, Town 2, Range 5, MRS, in the City of Franklin, Franklin Township, Warren County, Ohio, and being part of Parcel 2, a 2.0 acre parcel, part of Parcel 3, a 0.8251 acre parcel, and part of Parcel 4, a 0.4860 acre parcel (being part of Lot 4 of Franklin Commerce Center, Section 1 as recorded in Plat Book 23, Page 4, of the Warren County Plat Records) as deeded to 357 East Second Street LLC, and recorded in Official Record 4858, Page 801, of the Warren County Deed Records, and being an easement for ingress and egress, being more particularly described as follows;

Starting at a southeast corner of Lot 2 of Wal-Mart Franklin Subdivision as recorded in Plat Book 69, Page 13, of the Warren County Plat Records and the northeast corner of said Parcel 4, witness a found 5/8" iron pin North 65° West, a distance of 1.07 feet;

Thence, with the westerly right-of-way of Commerce Center Drive and an easterly line of said Parcel 4, South 07°31'10" West, a distance of 95.23 feet;

Thence, continuing with the westerly right-of-way of Commerce Center Drive and an easterly line of said Parcel 4, South 13°15'31" West, a distance of 100.00 feet;

Thence, continuing with the westerly right-of-way of Commerce Center Drive and an easterly line of said Parcel 4, South 07°31'10" West, a distance of 2.67 feet to the True Place of Beginning for this Easement;

Thence, continuing with the westerly right-of-way of Commerce Center Drive and an easterly line of said Parcel 4, South 07°31'10" West, a distance of 10.00 feet to a set capped 5/8" iron pin;

Thence, with an easterly line of said Parcel 4 and the westerly right-of-way line of Commerce Center Drive, along a curve to the left with a radius of 2040.00 feet, arc length of 30.01 feet, included angle of 00°50'34", and whose chord bears South 07°05'53" West, a distance of 30.01 feet, to a point in the westerly right-of-way of Commerce Center Drive;

Thence, North 81°46'00" West, a distance of 45.02 feet;

Thence, along a curve to the left with a radius of 2085.00 feet, arc length of 62.24 feet, included angle of 01°42'37", and whose chord bears South 05°51'19" West, a distance of 62.24 feet;

Thence, South 05°00'00" West, a distance of 110.23 feet, to a point in the southerly line of said Parcel 3; Thence, with a southerly line of said Parcel 3, North 81°46'00" West, a distance of 30.05 feet;

Thence, along a curve to the right with a radius of 2115.00 feet, arc length of 93.01 feet, included angle of 02°31'10", and whose chord bears North 6°15'35" West, a distance of 93.00 feet;

Thence, North 07°31'10" East, a distance of 10.94 feet;

Thence, South 81°46'00" East, a distance of 75.01 feet to the true place of beginning.

Containing 0.1876 acres (0.0765 acres from said Parcel 3, 0.0826 acres from said Parcel 4, and 0.0285 acres from said Parcel 4), more or less.

The above description is the result of a survey prepared by WYCO Consulting, Inc., Ruth H. Campbell, Ohio Registered Surveyor No. 7628 dated June 8, 2011, the survey of which is filed in Volume 137, Plat No. 76, of the Warren County Engineer's Record of Land Surveys.

Tax ID # 0426426034/2138910

Commonly known as: 0 Commerce Center Drive, Franklin, OH 45005

EXHIBIT B

Map

The Additional Property (Lee's Famous Recipe Project Site) is the real property located in the City of Franklin, County of Warren, consisting of tax year 2024 parcel number 04-264-426-034 (including any subsequent combinations and/or subdivisions of the current parcel number) and depicted on the below map (outlined in blue):

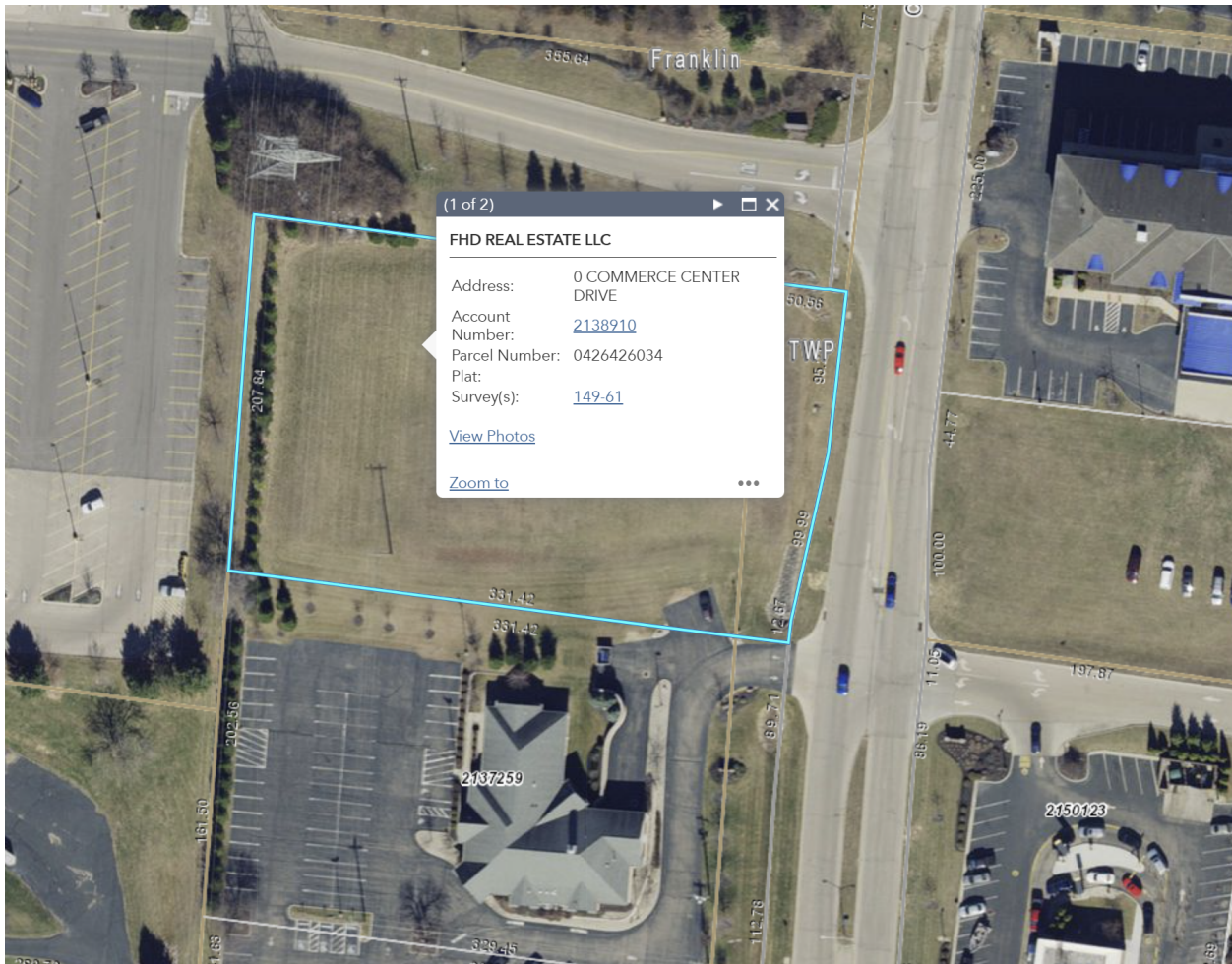
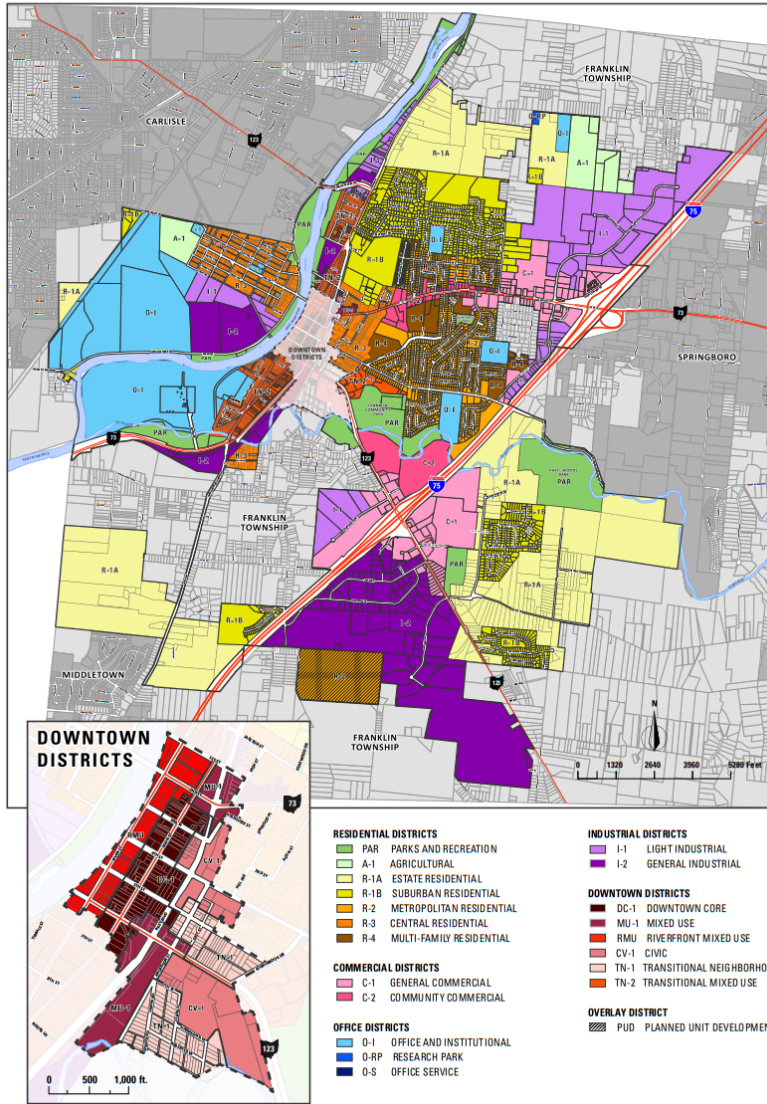


EXHIBIT C

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 (Lee’s Famous Recipe 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 1.6338 acres generally located within the City of Franklin, Warren County, Ohio and generally situated at 0 Commerce Center Drive. The development will include an approximately 2,389± sq. ft. quick service restaurant (the “Lee’s Famous Recipe 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 C-1 (General Commercial District), the intent of which is to provide for general commercial activity, including a wide range of goods and services that will serve the region. 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 (Lee’s Famous Recipe Project Site) include the Lee’s Famous Recipe 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 Lee’s Famous Recipe Project (together, the “Lee’s Famous Recipe 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 Lee’s Famous Recipe 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 (Lee's Famous Recipe Project Site) is located entirely within the City and consists of approximately 1.6338 acres, which will increase the total District size to approximately 237.8824 acres.

Financial Plan

The City will utilize debt and equity, intergovernmental contracts, and development agreements to cause the construction of the Community Facilities, the Lee's Famous Recipe Project Community Facilities, and the costs of the Authority.

In accordance with Section 4 of the Development Agreement, the Additional Property (Lee's Famous Recipe Project Site) will be subject to (1) an Abatement Replacement Charge equal to one-hundred percent (100%) of the total effective millage of the real property taxes attributable to the increase in assessed valuation of the real property that would have been payable upon the Additional Property (Lee's Famous Recipe Project Site) but for the CRA Exemption, (ii) an Additional Charge (as defined in the Declaration) equal to five (5) mills, and (iii) a Sales Charge (as defined in the Declaration) equal to one percent (1.0%) of gross receipts of any Sale (as defined in the Declaration) from operations on the Additional Property (Lee's Famous Recipe Project Site).

EXHIBIT F

Information about the Developer and Property Owner

Developer's Management Capabilities

See City audit on file with Clerk.

FHD Real Estate, LLC Management Capabilities:

FHD Real Estate LLC, an Ohio limited liability company, is a wholly owned subsidiary of Far Hills Development LLC, a Quick Service Restaurant franchisee of Famous Recipe Fried Chicken. Far Hills Development (FHD) will oversee the operations of the new Lee's Famous Recipe restaurant located at 0 Commerce Center Drive, Franklin, OH. FHD is the franchisee of twelve Lee's restaurants located in Montgomery, Greene and Warren counties, Ohio. We have owned and operated these restaurants for over eleven years starting in May of 2014. We employ over 250 people with an established management staff in all twelve restaurants. We maintain corporate offices at 5100 Springfield St, suite 109, Dayton, OH 45431 for our executive staff including two District Managers, a Director of Marketing, a Director of Catering, a Maintenance Supervisor and three office employees handling and auditing all the administrative aspects of the business. During the eleven years of owning and operating the restaurants we've demonstrated the ability to increase Average Unit Volume over 50% due to community involvement (The University of Dayton is a premiere partner as well as Keith Byars of Ohio State), growing catering sales over 300% and an honest focus on employee development. We have succeeded despite inheriting ageing and neglected restaurants. New parking lots, LED lighting, new POS systems, automated drive-thru order-taking, freshly painted buildings, new roofs, every penny of profit has gone toward rehabilitating the buildings and brand in our markets. We are currently working on re-imaging all our restaurants, refreshing them to compare to the new store you'll see in Franklin so we're on par with every new chicken concept that has entered the Miami Valley market over the past 11 years. We have a demonstrated track record of success and expect the new Franklin store to be the highest volume restaurant in our company from day one.

EXHIBIT G

ENVIRONMENTAL SITE ASSESSMENT FOR THE ADDITIONAL PROPERTY

That certain Subsurface Exploration and Geotechnical Engineering Due Diligence Report, GCI Project No. 24-G-29607 was prepared for the Additional Property (Lee's Famous Recipe Project Site) on November 20, 2024.