

ORDINANCE NO. 16-2024

DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN SPRINGDALE, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, DECLARING CERTAIN PUBLIC IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER DEVELOPMENT OF THOSE PARCELS, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND, AND DECLARING AN EMERGENCY

WHEREAS, prior to the passage of this ordinance, the City of Springdale (the “**City**”) entered into a *Tax Increment Financing Agreement* with CCA Glensprings, LLC (“**Developer**”) (the “**Development Agreement**”), pertaining to certain parcels of real property, more fully described on Attachment A attached to this ordinance (the “**Property**”), as authorized by Ordinance No. 11-2024 passed by this Council on March 6, 2024; and

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 (the “**TIF Statutes**”) provide that Council may: (i) declare by ordinance to be a public purpose any Improvement (as defined in Ohio Revised Code Section 5709.40, and hereinafter the “**Improvement**”) to a parcel of real property and thereby authorize the exemption of such Improvement from real property taxation for a period of time; (ii) require the payment of service payments in lieu of taxes by the owner or owners of the parcel; and (iii) establish an tax increment equivalent fund for the deposit of those service payments; and

WHEREAS, the City has determined that it is necessary and appropriate, in furtherance of the City’s economic development activities, and in the best interest of the City, to provide for exemption of the Improvement to the Property from real property taxation, and for the payment of semiannual service payments in lieu of taxes with respect to the Property, pursuant to Ohio Revised Code Sections 5709.40(B) to 5709.43; and,

WHEREAS, notice was given to the Princeton City School District and the Great Oaks Institute of Technology and Career Development on March 4, 2024 of the consideration of this ordinance providing for tax increment property tax exemption, as required by Sections 5709.40 and 5709.83 of the Ohio Revised Code; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, State of Ohio:

SECTION 1. Pursuant to Section 5709.40(B) of the Ohio Revised Code, this Council hereby creates the “Glensprings Fuel Station TIF”, the boundaries of which shall be coextensive with the boundaries of the Property and shall include the parcels constituting the Property as specifically identified and depicted in Attachment A attached hereto, which parcels are located in the incorporated area of the City (each such parcel being hereinafter a “**Parcel**”).

SECTION 2. That this Council hereby finds and declares that certain public infrastructure improvements in the City, including certain roadway, sewer, water, utility, streetscape, traffic studies and other related and appurtenant public infrastructure improvements, all as further described in Exhibit B attached hereto and made a part hereof (the “**Public Improvements**”), are necessary for the further development of the Parcels of land described in Exhibit A attached to this Ordinance and for the creation of jobs, increasing property values, and the provision of adequate traffic control in the City of Springdale. The further development of the Parcels in the Glensprings Fuel Station TIF will place direct additional demand on the Public Improvements.

SECTION 3. That, pursuant to Section 5709.40(B) of the Ohio Revised Code, Improvements to the Parcels in the Glensprings Fuel Station TIF occurring after the date of this Ordinance are hereby declared to be a public purpose and are exempt from real property taxation commencing, for each parcel, with the first tax year that begins after the effective date of this Ordinance and in which an improvement resulting from the construction of a structure on that parcel first appears on the tax duplicate of real and public utility property and ends on the earlier of (i) 10 years after such date or (ii) the date on which the City can no longer require service payments to be paid on the Improvements, all in accordance with the requirement of the TIF Statutes, or (iii) the date on which the Public Improvements are paid in full from the Tax Increment Equivalent Fund, as defined in Section 5 hereof, but in no case shall the Improvements be exempted from taxation for more than ten (10) years. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion shall be seventy-five percent (75%) of the Improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the Glensprings Fuel Station TIF.

SECTION 4. That pursuant to Section 5709.42 of the Ohio Revised Code, the owner or the owners of the Parcels shall be required to make semi-annual service payments in lieu of taxes (the "Service Payments") to the Hamilton County Treasurer on or before the final dates for payment of real property taxes. This Council hereby expresses its intention and authorizes the Mayor and/or City Administrator to sign such documents as may be necessary and appropriate to assure the payment of such Service Payments.

SECTION 5. That pursuant to Section 5709.43 of the Ohio Revised Code, there is hereby established the Glensprings Development Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used to finance the Public Improvements (including, but not limited to, in the manner described in the Development Agreement) and may be used to make payments to the Princeton City School District and/or the Great Oaks Institute of Technology and Career Development at the discretion of the Council.

SECTION 6. That the proper City officials are hereby authorized to do all things necessary and proper to carry out Sections 1 through 5 above, including but not limited to filing any required applications for tax exemption with the Hamilton County Auditor and/or State Tax Commissioner.

SECTION 7. That the City Administrator is hereby directed to forward a copy' of this Ordinance to the County Auditor of Hamilton County.

SECTION 8. Pursuant to Section 5709.40 of the Ohio Revised Code, the City Administrator is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth herein remains in effect, the City Administrator, Economic Development Director, or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

SECTION 9. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in ail open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 10. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II(D)(3)(d) of the Charter, be effective immediately. The reason for the emergency is to allow the exemption to be approved and effective expeditiously to allow for the construction of Public Improvements in a timely fashion, as contemplated in the Development Agreement.

[Remainder of page left intentionally blank.]

Passed this _____ day of March, 2024.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date

CERTIFICATE

The undersigned, Clerk of Council, City of Springdale, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 16-2024, adopted March 20, 2024.

Clerk of Council

EXTRACT FROM MINUTES OF MEETING

The Council of the City of Springdale, County of Hamilton, Ohio, met in regular session, at ____ .m., on the ____ day of _____, 2024, at _____, with the following members present:

There was presented and read to Council Ordinance No. 16-2024, entitled:

DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN SPRINGDALE, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, DECLARING CERTAIN PUBLIC IMPROVEMENTS TO BE NECESSARY FOR THE FURTHER DEVELOPMENT OF THOSE PARCELS, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND, AND DECLARING AN EMERGENCY

M__. _____ then moved that Ordinance No. 16-2024 be adopted. M__. _____ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The ordinance was declared adopted March 20, 2024.

CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the council of said municipality, held on the 20th day of March, 2024, to the extent pertinent to consideration and adoption of the above-entitled legislation.

Clerk of Council

EXHIBIT A

PROPERTY TO BE EXEMPTED

HAMILTON COUNTY PARCEL ID NUMBERS

599-0050-0368
599-0050-0367
599-0050-0629-00

EXHIBIT B
PUBLIC IMPROVEMENTS

For purposes of this Ordinance, "Public Improvements" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; the enhancement of public waterways through improvements that allow for greater public access; and off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes, in each case made, or to be made, or in the process of being made, that directly benefit, or that once made will directly benefit, the Parcels.

Specifically, but not by way of limiting the foregoing, the Public Improvements include turn lane, signalization, and related roadway improvements to Glensprings Drive required as part of the development of the Parcels, as contemplated in the Development Agreement; together with other roadway and public utility improvements along Glensprings Drive and Springfield Pike and in accordance with the City of Springdale Thoroughfare Plan.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 16-2024.

Clerk of Council, City of Springdale

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the county auditor.

Clerk of Council, City of Springdale

Dated: _____, 2024

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

Hamilton County Auditor

Dated: _____, 2024