

**ORDINANCE NO. 07-2024**

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING REIMBURSEMENT AGREEMENT, APPROVING RELATED MATTERS, AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ordinance No. 35-2018 (the “TIF Ordinance”) adopted by this City Council (the “Council”) of the City of Springdale, Ohio (the “City”) on June 20, 2018, the City exempted certain parcels of real property (the “Exempted Property”) within the Springdale Commerce Park TIF Site and declared certain public improvements (the “Public Improvements”) to be a public purpose, all as further described in the TIF Ordinance; and

WHEREAS, pursuant to the TIF Ordinance, owners of the Exempted Property are required to make service payments in lieu of taxes (the “PILOTs”) directly to the Hamilton County Treasurer based in the incremental value of the Exempted Property; and

WHEREAS, in accordance with the TIF Ordinance and Ohio Revised Code Section 5709.42, this Council established the Springdale Commerce Park TIF Site Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), into which the PILOTs have been and are to be deposited; and

WHEREAS, at the request of Springdale Commerce Park Owner, LLC, or an entity related thereto (the “Owner”), and Enable Injections, Inc. (“Enable Injections”), the City desires to use PILOTs to reimburse the Owner for a portion of the costs (the “Costs”) of certain Public Improvements benefitting the Exempted Property and located within the City by entering into a Tax Increment Financing Reimbursement Agreement (the “TIF Agreement”) with the Owner; and

WHEREAS, in accordance with the terms of the TIF Agreement, amounts used to reimburse the Owner for costs previously incurred to acquire and construct the Public Improvements shall be provided to Enable Injections to pay a portion of the costs of the tenant improvements to be incurred by Enable Injections in connection with its location of operations within the City; and

WHEREAS, the City has determined that it is in the best interests of the City to enter into the TIF Agreement and consummate the transactions set forth therein because the City will receive substantial economic and non-economic benefits from Enable Injections’ operations within the City, which will create jobs, stimulate economic growth in the City, and enable the Exempted Property to be put to its highest and best use, for the benefit of the people of the City; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to lend aid or credit for industry, commerce distribution and research; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, \_\_\_\_\_ members elected thereto concurring:

Section 1. That the Recitals to this Ordinance are incorporated herein by reference.

Section 2. That the form of TIF Agreement on file with this Council providing for the reimbursement of a portion of the Costs of Public Improvements by the City from money deposited into the TIF Fund, is hereby approved and authorized with changes and completions thereto that are not inconsistent with this Ordinance, not substantially adverse to the City and approved by the Mayor. The Mayor, for and in the name of the City, is hereby authorized to execute and deliver the TIF Agreement in substantially that form along with any changes or completions thereto, provided that the approval of such changes and completions thereto by the Mayor, and the character of those changes and completions as not being substantially adverse to the City, will be evidenced conclusively by the signature of the Mayor.

Section 3. For the avoidance of doubt, the Costs paid by the City shall be in the aggregate amount of \$850,000 and shall constitute a special obligation of the City payable solely from amounts on deposit in the TIF Fund as described in the TIF Agreement. No other funds are pledged to the payment of the Costs, and neither the Owner nor any other beneficiary of the payment of the Costs has a right to have taxes levied for the payment of the Costs. Funds on deposit in the TIF Fund in the amount of \$850,000 are hereby appropriated to pay the Costs as set forth in the TIF Agreement, and the fiscal officer of the City is hereby authorized to make payments in satisfaction of the Costs in accordance with the TIF Agreement.

Section 4. That, this Council hereby authorizes and directs the Mayor, or other appropriate officers, officials, and employees of the City to make such arrangements as are necessary and proper for the payment of the Costs in accordance with the TIF Agreement. This Council further hereby authorizes and directs those officers to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

Section 5. That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this ordinance were taken in an 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 Ohio Revised Code Section 121.22.

Section 6. 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 the immediate need to enable the parties to execute the TIF Agreement as soon as possible so that Enable Injections can promptly commence operations within the City, thereby creating a significant economic benefit and enhancement to the City at the earliest possible time.

Passed this 7<sup>th</sup> day of February, 2024.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President 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. 07-2024, adopted February 7, 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 7:00 p.m., on the 7<sup>th</sup> day of February, 2024, at 11700 Springfield Pike, Springdale, Ohio 45246, with the following members present:

There was presented and read to Council Ordinance No. 07-2024, entitled:

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING REIMBURSEMENT AGREEMENT, APPROVING RELATED MATTERS, AND DECLARING AN EMERGENCY.**

M\_\_\_\_ then moved that Ordinance No. 07-2024 be adopted. M\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

Mr. Gleaves	_____
Mr. Jacobs	_____
Ms. McFarland	_____
Mrs. Sullivan-Wisecup	_____
Mr. Vanover	_____
Mrs. Webster	_____
Mr. Anderson	_____

The ordinance was declared adopted February 7, 2024.

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Springdale, Ohio, 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 7<sup>th</sup> day of February, 2024, to the extent pertinent to consideration and adoption of the above-entitled legislation.

\_\_\_\_\_  
Clerk of Council