

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2017-06

April 4

17

Ordinance No. \_\_\_\_\_

Passed. \_\_\_\_\_

, 20\_\_\_\_\_

**AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS.**

**WHEREAS**, Ohio Revised Code Sections 5709.40 to 5709.43 (collectively, the "TIF Statutes") authorize the legislative authority of a municipal corporation, by ordinance, to declare the improvement to each parcel of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, provide for the distribution of the applicable portion of such service payments to the city, local, or exempted village, and joint vocational school district, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit those parcel; and

**WHEREAS**, this City Council has determined to declare the improvements to certain parcels of real property, which parcels are further identified and depicted in Exhibit "A" attached hereto (each, as currently or subsequently configures, individually, a "Parcel" and collectively, the "Parcels") to be a public purpose; and

**WHEREAS**, this City Council desires to provide for the public infrastructure improvements described in Exhibit B attached hereto (collectively, the "Public Infrastructure Improvements"); and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of the Miami Valley Career Technology Center in accordance with and within the time period prescribed in Ohio Revised Code Sections 5709.40 and 5709.83; and

**WHEREAS**, notice of this proposed Ordinance has been delivered to the Board of Education of Brookville Local Schools in accordance with and within the time period prescribed in Ohio Revised Code Sections 5709.40 and 5709.83; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:**

**SECTION I: Authorization of Tax Exemptions.** This City Council hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance(which increase in assessed value is hereby referred to as the "Improvement" as defined in Ohio Revised Code Section 5709.40(A)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.40(B) for a period commencing for each Parcel with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to that Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) ten (10) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes (the "Tax Exemption").

# RECORD OF ORDINANCES

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION II: Service Payments.** Pursuant to Ohio Revised Code Section 5709.42, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Montgomery County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charges and collected against that Improvement if it were not exempt from taxation pursuant to Section 1 of this Ordinance, including any penalties and interest (collectively, the "Service Payments"). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Ohio Revised Code Sections 319.302, 321.24,, 323.152, 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), shall be allocated and distributed in accordance with Section 4 of this Ordinance.

**SECTION III: TIF Fund.** This City Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Montgomery County Central Project Municipal Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all Service Payments and Property Tax Rollback Payments. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.42 shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF 2017-06 fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

**SECTION IV:** Pursuant to the TIF statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments collected in respect to each parcel to the City for further distribution as follows:

(a) For the period commencing on the effective date of the Tax Exemption granted for each parcel pursuant to Section 1 and ending ten (10) years thereafter, all amounts in the TIF fund for payment of costs of the Public Infrastructure Improvements, including payment of debt service on any debt issued to pay those costs.

All distributions required under this Section IV are requested to be made at the same time and in the same manner as real property tax distributions.

**SECTION V: Public Infrastructure Improvements.** This City Council hereby designates the Public Infrastructure Improvements and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

**SECTION VI: Non-Discriminatory Hiring Policy.** In accordance with Section 5709.823 of the Ohio Revised Code, this Council hereby determines that no employer located upon any Parcel shall deny any individual employment based solely on the basis of race, religion, sex, disability, color, national origin or ancestry.

## RECORD OF ORDINANCES

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**2017-06**

**April 4** **17**

**SECTION VII: Further Authorizations.** This City Council hereby authorizes and directs the City Manager, Finance Director, Law Director, Clerk of Council, or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further hereby authorizes and directs the City Manager, Finance Director, Law Director, Clerk of Council or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

**SECTION VIII: Tax Incentive Review Council.** The City's applicable Tax Incentive Review Council shall review annually all exemptions from real property taxation granted by this Ordinance in accordance with the requirements of Ohio Revised Code Section 5709.85.

**SECTION IV: Filings with Ohio Development Services Agency.** Pursuant to Ohio Revised Code Section 5709.40(I), the Law Director is hereby authorized to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the Tax Exemption remains in effect, the City Manager is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.40(I).

**SECTION X: Open Meetings.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION XI: Effective Date.** This Ordinance shall take effect thirty (30) days after passage as provided by the Charter of the City of Brookville.

PASSED this 4<sup>th</sup> day of April, 2017.

**ATTEST:**

MEGHAN WHEELER  
MEGHAN WHEELER, CLERK



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# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_\_

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2017- 06, passed by the Council of the City of Brookville, Ohio, on the 4<sup>th</sup> day of April, 2017.



MEGHAN WHEELER, CLERK

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2017-06, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 6<sup>th</sup> day of April, 2017 to 6<sup>th</sup> day of May, 2017, both days inclusive.



MEGHAN WHEELER, Clerk

## EXHIBIT A

The area on the following map specifically identifies and depicts the Parcels and constitutes part of this Exhibit A. The Parcels include without limitation, the following tax parcels as they exist in the County Auditor's records on the date of passage of this Ordinance.

C05 00109 0015 – Lot 1736 - City of Brookville  
C05 00109 0030 – Lot 2612 – City of Brookville  
C05 00109 0031 – Lot 2613 – City of Brookville

The parcels listed above represents the real property intended for the improvement, and shall remain so should such Parcel, or portions thereof, be consolidated, subdivided, or replatted at a time subsequent to the date of passage of this Ordinance.



**Exhibit "B"**

**PUBLIC INFRASTRUCTURE IMPROVEMENTS**

The public infrastructure improvements include the construction of the following improvements on or near the Parcels that will directly benefit the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

Construction of the Market Street Extension to Upper Lewisburg-Salem Road, as depicted in the attached map, including, but not limited to, all costs of construction of the street including excavating, grading and paving, installation of water lines, sanitary sewer, and storm water pipes and detention areas, sidewalk, curb and gutter, lighting, landscaping, traffic signalization, and also including design and other related costs, any right-of way acquisition, erosion and sediment control measures, grading and other work, survey work, soil engineering and construction staking, and in each case, all other costs and improvements necessary and appurtenant thereto.