

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2016-16

Passed November 15, 2016

## **AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF BROOKVILLE, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL.**

**WHEREAS**, the Council of the City of Brookville (hereinafter "Council") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City of Brookville that have not enjoyed reinvestment from remodeling or new construction; and

**WHEREAS**, a survey of housing, a copy of which is on file in the office of the City of Brookville as required by Ohio Revised Code (ORC) Section 3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area; and

**WHEREAS**, the maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

**WHEREAS**, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

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

**SECTION I:** The area designated as the City of Brookville Community Reinvestment Area # 2 constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged.

**SECTION II:** Pursuant to ORC Section 3735.66, City of Brookville Community Reinvestment Area No. 2 is hereby established in the following described area:

The beginning point is the north corner of the intersection of Triggs Road and Arlington Road in the north right of way line for Triggs Road. Thence North along the eastern boundary of the Parcel No. C05 00415 0017 and following the boundary of the I-70 Right of Way to the northwest corner of said Parcel No. C05 00415 0017. Thence following the boundary of the I-70 Right of Way westernly to Triggs Road and then continuing along the boundary of the I-70 Right of Way to the northern boundary of the bike path right of way owned by the City of Brookville. Thence along the northern boundary of the bike path right of way to Salem Street. Thence along the northern boundary of Salem Street to the alley at the rear of residential properties on the east side of Baker Street. Then north along the alley to the southeast corner of property known as 363 Baker Street (Parcel No. C05 00109 0009 ). Then following the east boundary of the property known as 363 Baker Street (Parcel No. C05 00109 0009) to the northeast corner of said property. Thence following the northern boundary of the property known

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as 363 Baker Street (Parcel No. C05 00109 0009) to the northwest corner of said property. Thence following the eastern boundary of the property owned by the City of Brookville and known as Golden Gate Park to Upper Lewisburg-Salem Rd. Then crossing Upper Lewisburg-Salem Road and following the north right of way line of Upper Lewisburg-Salem Road to the eastern boundary of Parcel No. C05 00415 0020. Then north along the eastern boundary of Parcel C05 00415 0020 to the northern boundary of said Parcel. Thence along the northern boundary of Parcel No. C05 00415 0020 to the the I-70 right of way. Thence following the boundary of the I-70 right of way to the intersection of Arlington Road and Upper Lewisburg-Salem Road; thence westerly across Arlington Road to the corner of Triggs Road and Arlington Road, and being the place of beginning.

The Community Reinvestment Area is approximately depicted as the crosshatched area on the map attached to this Ordinance (see Exhibit A) and by this reference incorporated herein.

Only residential, commercial and/or industrial properties consistent with the applicable zoning regulations with the designated Community Reinvestment Area will be eligible for exemptions under this Program.

**SECTION III:** All properties identified in Exhibit A as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City of Brookville intends to undertake supporting public improvements in the designated area.

**SECTION IV:** Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in ORC Section 3765.67. The results of the negotiation as approved by this Council will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC Section 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in ORC Section 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods:

- a. Ten (10) years, for the remodeling of every residential dwelling unit containing not more than two housing units and upon which the cost of remodeling is at least \$2,500, as described in ORC Section 3735.67, and with such exemption being one hundred percent (100%) for each of the ten (10) years.
- b. Ten (10) years, for the remodeling of every residential dwelling unit containing two or more housing units and upon which the cost of remodeling is at least \$5000, as described in ORC Section 3735.67, and with such exemption being one hundred percent (100%) for each of the ten years.
- c. Up to, and including, ten (10) years, and up to, and including one hundred percent (100%) for the remodeling of existing commercial and industrial facilities and upon which the cost of the remodeling is at least \$5000.00, as described in

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ORC Section 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.

d. Up to, and including, fifteen (15) years, and up to, and including, up to one hundred percent (100%) for the construction of new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by case basis.

For the purposes of the above described Community Reinvestment Area, structures exclusively used for residential purposes and comprised of two (2) and fewer units shall be classified as residential structures.

If the remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

**SECTION V:** All commercial and industrial projects are required to comply with the state application fee requirements of ORC 3735.672(C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement-a minimum of \$500 up to a maximum of \$2500 annually unless waived.

**SECTION VI:** To administer and implement the provisions of this Ordinance, City Manager Gary L. Burkholder is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

**SECTION VII:** That a "Community Reinvestment Area Housing Council" shall be created, consisting of two members appointed by the Mayor of City of Brookville, two members appointed the Council of the City of Brookville, and one member appointed by the Planning Commission of the City of Brookville. The majority of the members shall then appoint two additional members who shall be residents within the area. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Housing Council shall also hear appeals under Section 3735.70 of the ORC.

A Tax Incentive Review Council shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the municipal corporation, appointed by the Municipal CEO with Council concurrence, the county auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the City of Brookville. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671 of the ORC and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the agreement.

**SECTION VIII:** The Council reserves the right to re-evaluate the designation of the City of Brookville Community Reinvestment Area annually, at which time the Council may

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direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

**SECTION IX:** The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Section 3735.67 of the ORC. The Housing Council shall also hear appeals under 3735.70 of the ORC.

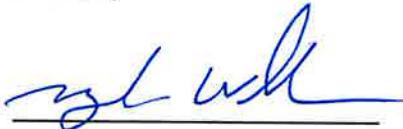
**SECTION X:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal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

**SECTION XI:** This Ordinance shall take effect and be enforce from and after the earliest period allowed by law and upon confirmation by the Director of the Ohio Development Services Agency of the findings in this Ordinance.

**SECTION XII:** The Mayor of the City of Brookville is hereby directed and authorized to petition the Director of the Ohio Development Services Agency to confirm the findings contained within this Ordinance.

PASSED this 15th day of November, 2016.

ATTEST:



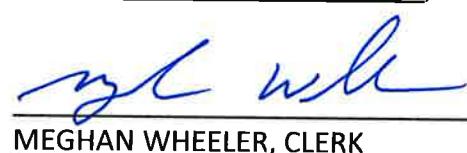
MEGHAN WHEELER, CLERK



DAVID E. SEAGRAVES, MAYOR

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2016-16, passed by the Council of the City of Brookville, Ohio, on the 15th day of November, 2016.



MEGHAN WHEELER, CLERK

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2016-16 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 22nd day of November, 2016 to 22nd day of December, 2016, both days inclusive.



MEGHAN WHEELER, Clerk