

CITY OF BROOKVILLE
STATE OF OHIO

ORDINANCE NO. 2025-02

APPROVING AND ADOPTING AN ECONOMIC DEVELOPMENT PLAN; CREATING A RESIDENTIAL TAX INCREMENT FINANCING INCENTIVE DISTRICT TO BE CALLED "THE MEADOWLARK INCENTIVE DISTRICT"; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT BENEFIT OR SERVE THE PARCELS IN THE INCENTIVE DISTRICT; AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT.

WHEREAS, Ohio Revised Code ("ORC") Sections 5709.40, 5709.42, and 5709.43 (collectively, the "TIF Statutes") authorize this Council, by ordinance, to create an incentive district within the corporate boundaries of the City of Brookville, Ohio (the "City"), and declare the improvement to each parcel of real property located within the incentive district 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, and specify public infrastructure improvements made, to be made or in the process of being made that benefit or serve, or that once made will benefit or serve, parcels in the incentive district; and

WHEREAS, Section 5709.40(A) of the ORC requires an incentive district to have one or more distress characteristics, which may be defined as inadequate public infrastructure serving the district as evidenced by a written economic development plan for the district; and

WHEREAS, the City desires to create the Meadowlark Incentive District, a residential incentive district (the "Incentive District"), the boundaries of which will be coextensive with the boundaries of, and will include, the Parcels (as defined in Section 2); and

WHEREAS, the City anticipates that approximately one hundred eleven (111) new single-family attached homes will be constructed within the Incentive District (collectively, the "Project"); and

WHEREAS, the area within the Incentive District has been studied and an economic development plan has been prepared for that area (the "Development Plan"), and this Development Plan has been submitted to this Council and has been reviewed by the City Division of Engineering, and the Development Plan contains recommendations addressing land use, housing, and public infrastructure related issues; and

WHEREAS, the City Engineer has certified to this Council that (i) the Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, and (ii) the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Development Plan; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Boards of Education of the Brookville Local School District and 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 Montgomery County Board of Commissioners in accordance with ORC Section 5709.40(E);

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brookville, Ohio, that:

Section 1. Adoption of Development Plan. This Council adopts and approves the Development Plan, and all departments and divisions of the City are authorized to consult and use the Development Plan to establish and provide financing for Public Infrastructure Improvements (as defined in Section 3). Copies of the Development Plan will be kept on file in the City department of Economic Development.

Section 2. Incentive District Project; Creation of Incentive District. This Council finds and determines that the Project will place additional demand on the Public Infrastructure Improvements. Pursuant to the TIF Statutes, this Council creates the Incentive District, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in **Exhibit A** (as currently or subsequently configured, the “Parcels,” with each individual parcel a “Parcel”).

Section 3. Public Infrastructure Improvements. This Council hereby designates the public infrastructure improvements described in **Exhibit B** (the “Public Infrastructure Improvements”) and any other public infrastructure improvements hereafter designated by ordinance as the “public infrastructure improvements” made, to be made or in the process of being made by the City or that would otherwise benefit or serve, or that once made will benefit or serve, the Parcels and finds that the Project to be undertaken within the Meadowlark Incentive District will place additional demand on the herein designated public infrastructure improvements.

Section 4. Authorization of Tax Exemption; Life of Incentive District. Pursuant to and in accordance with the provisions of ORC Section 5709.40(C), this Council declares 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 hereinafter referred to as the “Improvement” as defined in ORC Section 5709.40(A)) is a public purpose and exempt from taxation for a period coextensive with the life of the Incentive District. The life of the Incentive District commences with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for any Parcel within the Incentive District were it not for the exemption granted in this Ordinance and ends 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.

Section 5. Service Payments. As provided in ORC Section 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the Montgomery County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 4, 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 ORC Sections 319.302, 321.24, 323.152 and 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”), will be deposited and distributed in accordance with Section 7.

Section 6. TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC Section 5709.43, the Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), into which the County Treasurer will deposit the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Statutes and this Ordinance (as it may be amended). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City’s General Fund, all in accordance with ORC Section 5709.43.

Section 7. Tax Increment Financing Agreement. The Council hereby authorizes and directs the City Manager and Director of Finance, and other appropriate officers of the City, to enter into the Tax Increment Financing Agreement, in substantially the form attached hereto as Exhibit C, between the City and Grand Communities, LLC to provide for the installation of the Public Infrastructure Improvements and for the reimbursement of expenses incurred in the acquisition, construction, and installation of the Public Infrastructure Improvements by Grand Communities, LLC.

Section 8. Further Authorizations. This Council hereby authorizes and directs the City Manager, the Law Director, the Director of Finance, 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 authorizes the City Manager, the Law Director, the Director of Finance or, 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 9. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this

Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including ORC Section 121.22.

Section 10. Effective Date. This Ordinance shall be in full force and effect immediately upon the expiration of ten days after first publication of the notice required by ORC Section 731.20.

Passed by Council on the _____ day of _____, 2025;

AUTHENTICATION:

Clerk of Council

Mayor

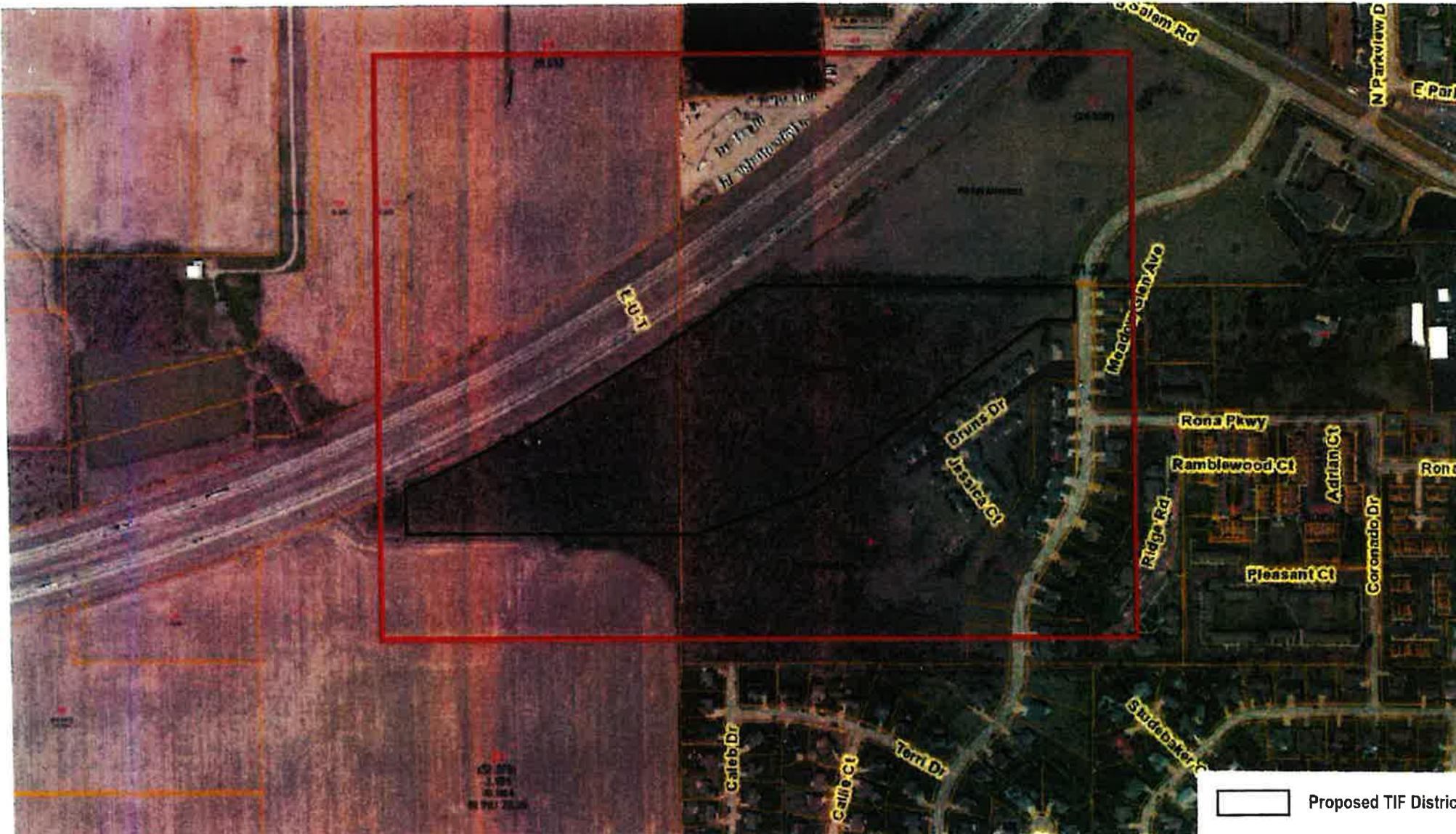
Date

Date

EXHIBIT A
IDENTIFICATION AND MAP OF THE PARCELS

The enclosed area on the following map specifically identifies and depicts the Parcels and the boundaries of the Incentive District, and constitutes part of this Exhibit A. The following Parcel Numbers are as of October 18, 2024, and are included for ease of reference only.

Montgomery County Auditor Parcel No. C05 00314 0020



Grand Communities, I.I.C.

Meadowlark Brookville, Ohio

Delineated Overlay - 111.65 Acres

0 150 x
October 9, 2024