



CITY OF NORTH RIDGEVILLE LEGISLATIVE BULLETIN

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The City of North Ridgeville Legislative Bulletin contains Ordinances and Resolutions acted upon by City Council. If noted within Ordinance or Resolution text, supplemental and supporting documents, such as exhibits, are available, upon request, by contacting Tara L. Peet, MMC at the Clerk of Council's office, 7307 Avon Belden Road, North Ridgeville, OH 44039, (440) 353.1508.

RESOLUTION(S)

(The following Resolution(s) were passed by City Council on March 2, 2015)

1347-2015 A RESOLUTION APPOINTING WILLIAM L. GARDNER TO THE LORAIN COUNTY BOARD OF HEALTH TO SERVE AS THE CITY OF NORTH RIDGEVILLE'S REPRESENTATIVE AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the contract of the General Health District, combined Board of Health, the City of North Ridgeville is entitled to appoint one member; and

WHEREAS, the term for the North Ridgeville representative on the Board of Health will expire on March 31, 2015; and

WHEREAS, William L. Gardner previously served on the Board for ten years as a licensing Council member representing mobile home parks; he also served as North Ridgeville's representative since 2012 and has expressed a desire to remain on the Board for another five-year term; and

WHEREAS, William L. Gardner has knowledge of issues relating to North Ridgeville and has been a valuable asset to the Board of Health for many years.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. William L. Gardner is hereby reappointed as North Ridgeville's representative to the Board of Health for a five-year term beginning April 1, 2015 and ending March 31, 2020.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure, the emergency being the immediate necessity to meet the term expiration of March 31, 2015. WHEREFORE, this Resolution shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

ORDINANCE(S)

(The following Ordinance(s) were passed by City Council on March 2, 2015)

5202-2015 AN ORDINANCE APPROPRIATING, VALUING, AND TAKING IMMEDIATE POSSESSION OF AN INTEREST IN REAL PROPERTY FOR THE PURPOSE OF WIDENING AND EXPANDING LEAR NAGLE ROAD ACROSS REAL PROPERTY (PARCEL 57 SH, T) HAVING PERMANENT PARCEL NO. 07-00-000-107-037 AND DECLARING AN EMERGENCY.

WHEREAS, on February 2, 2015, the North Ridgeville City Council adopted Resolution No. 1334-2015, declaring the necessity and intent to appropriate a standard highway easement and a temporary construction easement in the hereinafter described real estate; and

WHEREAS, City Council, pursuant to O.R.C. §719.05, now deems it necessary to appropriate and take immediate possession of the interest for the purposes as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. A standard highway easement and a temporary construction easement (as described in **Exhibits A and B**) in real estate owned by Casimir and Vicki Wieczorek (acquisition sketch of total parcel is attached as **Exhibit C**), the same being part of the real estate known as Lorain County Permanent Parcel No. 07-00-000-107-037 and designated as Parcel 57 SH, T, is hereby appropriated for the public purpose of widening and expanding Lear Nagle Road, a road which shall be opened to the public without charge.

SECTION 2. This appropriation is made in accordance with Resolution No. 1334-2015 adopted by the North Ridgeville City Council on February 2, 2015. The same Resolution was served in a manner prescribed by law upon the record owner of the real property as notice of intent to acquire the necessary property interest on February 12, 2015.

SECTION 3. City Council hereby fixes the value of the property interest, being a standard highway easement and a temporary construction easement, as well as any damages to the residue at \$2,200.00, which sum shall be deposited pursuant to Ohio Revised Code §163.06 with the Clerk of the Lorain County Probate Court, upon filing of a Petition for Appropriation for the use and benefit of the owner(s) of the real estate being appropriated.

SECTION 4. Upon the deposit of the aforementioned \$2,200.00, the City of North Ridgeville shall take immediate possession of and enter upon the real estate pursuant to law, in accordance with the terms of the standard highway easement and a temporary construction easement described in **Exhibits A and B**. An acquisition sketch of the total parcel is attached as **Exhibit C**.

SECTION 5. City Council finds that the appropriation is necessary for the stated public purpose; that the City of North Ridgeville has been unable to agree with the owner(s) as to the purchase of said real estate interests; and that immediate possession of the real estate to be appropriated is necessary for the purpose of making or repairing a road which shall be open to the public without charge.

5202-2015 Continued

SECTION 6. The City Law Director is directed to file a Petition for Appropriation in the Lorain County Court of Common Pleas, Probate Division, in order to immediately gain title to the necessary property interest, and to have a jury empanelled to assess the compensation to be paid for the interest acquired.

SECTION 7. \$2,200.00, or so much thereof as may be needed, shall be appropriated from the appropriate fund.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to meet the deadline enforced by ODOT and the County to meet the construction schedule. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor. law.

5203-2015 AN ORDINANCE APPROPRIATING, VALUING, AND TAKING IMMEDIATE POSSESSION OF AN INTEREST IN REAL PROPERTY FOR THE PURPOSE OF WIDENING AND EXPANDING LEAR NAGLE ROAD ACROSS REAL PROPERTY (PARCEL 16 WD, SH, T) HAVING PERMANENT PARCEL NO. 07-00-004-108-068 AND DECLARING AN EMERGENCY.

WHEREAS, on February 2, 2015, the North Ridgeville City Council adopted Resolution No. 1336-2015, declaring the necessity and intent to appropriate a fee simple interest, a standard highway easement, and a temporary construction easement in the hereinafter described real estate; and

WHEREAS, City Council, pursuant to O.R.C. §719.05, now deems it necessary to appropriate and take immediate possession of the interest for the purposes as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. A fee simple interest, a standard highway easement, and a temporary construction easement (as described in **Exhibits A, B and C**) in real estate owned by Kara L. Page (acquisition sketch of total parcel is attached as **Exhibit D**), the same being part of the real estate known as Lorain County Permanent Parcel No. 07-00-004-108-068 and designated as Parcel 16 WD, SH, T, is hereby appropriated for the public purpose of widening and expanding Lear Nagle Road, a road which shall be opened to the public without charge.

SECTION 2. This appropriation is made in accordance with Resolution No. 1336-2015 adopted by the North Ridgeville City Council on February 2, 2015. The same Resolution was served in a manner

5203-2015 Continued

prescribed by law upon the record owner of the real property as notice of intent to acquire the necessary property interest on February 12, 2015.

SECTION 3. City Council hereby fixes the value of the property interest, being a fee simple interest, a standard highway easement, and a temporary construction easement, as well as any damages to the residue at \$4,550.00, which sum shall be deposited pursuant to Ohio Revised Code §163.06 with the Clerk of the Lorain County Probate Court, upon filing of a Petition for Appropriation for the use and benefit of the owner(s) of the real estate being appropriated.

SECTION 4. Upon the deposit of the aforementioned \$4,550.00, the City of North Ridgeville shall take immediate possession of and enter upon the real estate pursuant to law, in accordance with the terms of the fee simple interest, a standard highway easement, and a temporary construction easement (as described in **Exhibits A, B and C**). An acquisition sketch of the total parcel is attached as **Exhibit D**.

SECTION 5. City Council finds that the appropriation is necessary for the stated public purpose; that the City of North Ridgeville has been unable to agree with the owner(s) as to the purchase of said real estate interests; and that immediate possession of the real estate to be appropriated is necessary for the purpose of making or repairing a road which shall be open to the public without charge.

SECTION 6. The City Law Director is directed to file a Petition for Appropriation in the Lorain County Court of Common Pleas, Probate Division, in order to immediately gain title to the necessary property interest, and to have a jury empanelled to assess the compensation to be paid for the interest acquired.

SECTION 7. \$4,550.00, or so much thereof as may be needed, shall be appropriated from the appropriate fund.

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to meet the deadline enforced by ODOT and the County to meet the construction schedule. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5204-2015 AN ORDINANCE APPROPRIATING, VALUING, AND TAKING IMMEDIATE POSSESSION OF AN INTEREST IN REAL PROPERTY FOR THE PURPOSE OF WIDENING AND EXPANDING LEAR NAGLE ROAD ACROSS REAL PROPERTY (PARCEL 17 WD, SH, T) HAVING PERMANENT PARCEL NO. 07-00-004-108-067 AND DECLARING AN EMERGENCY.

5204-2015 Continued

WHEREAS, on February 2, 2015, the North Ridgeville City Council adopted Resolution No. 1335-2015, declaring the necessity and intent to appropriate a fee simple interest, a standard highway easement, and a temporary construction easement in the hereinafter described real estate; and

WHEREAS, City Council, pursuant to O.R.C. §719.05, now deems it necessary to appropriate and take immediate possession of the interest for the purposes as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. A fee simple interest, a standard highway easement, and a temporary construction easement (as described in **Exhibits A, B and C**) in real estate owned by Kara L. Page (acquisition sketch of total parcel is attached as **Exhibit D**), the same being part of the real estate known as Lorain County Permanent Parcel No. 07-00-004-108-067 and designated as Parcel 17 WD, SH, T, is hereby appropriated for the public purpose of widening and expanding Lear Nagle Road, a road which shall be opened to the public without charge.

SECTION 2. This appropriation is made in accordance with Resolution No. 1335-2015 adopted by the North Ridgeville City Council on February 2, 2015. The same Resolution was served in a manner prescribed by law upon the record owner of the real property as notice of intent to acquire the necessary property interest on February 12, 2015.

SECTION 3. City Council hereby fixes the value of the property interest, being a fee simple interest, a standard highway easement, and a temporary construction easement, as well as any damages to the residue at \$7,050.00, which sum shall be deposited pursuant to Ohio Revised Code §163.06 with the Clerk of the Lorain County Probate Court, upon filing of a Petition for Appropriation for the use and benefit of the owner(s) of the real estate being appropriated.

SECTION 4. Upon the deposit of the aforementioned \$7,050.00, the City of North Ridgeville shall take immediate possession of and enter upon the real estate pursuant to law, in accordance with the terms of the fee simple interest, a standard highway easement, and a temporary construction easement described in **Exhibits A, B and C**. An acquisition sketch of the total parcel is attached as **Exhibit D**.

SECTION 5. City Council finds that the appropriation is necessary for the stated public purpose; that the City of North Ridgeville has been unable to agree with the owner(s) as to the purchase of said real estate interests; and that immediate possession of the real estate to be appropriated is necessary for the purpose of making or repairing a road which shall be open to the public without charge.

SECTION 6. The City Law Director is directed to file a Petition for Appropriation in the Lorain County Court of Common Pleas, Probate Division, in order to immediately gain title to the necessary property interest, and to have a jury empanelled to assess the compensation to be paid for the interest acquired.

SECTION 7. \$7,050.00, or so much thereof as may be needed, shall be appropriated from the appropriate fund.

5204-2015 Continued

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to meet the deadline enforced by ODOT and the County to meet the construction schedule. WHEREFORE, this Ordinance shall take effect and be in full force and effect immediately upon its passage and approval by the Mayor.

5205-2015 AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO OHIO REVISED CODE SECTION 4504.172.

WHEREAS, as authorized by the provisions of O.R.C. Chapter 4504, City Council finds that it is necessary to impose an annual license tax upon the operation of motor vehicles on the public roads in the municipality for the purpose of construction and maintaining public roads, highways, streets and bridges.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to O.R.C. §4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section and to provide additional revenue for the purposes set forth in O.R.C. §4504.06, and to supplement revenue already available for such purposes.

SECTION 2. Such tax shall be at the rate of Five Dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in O.R.C. §4503.10, is the City of North Ridgeville.

SECTION 3. As used in the Ordinance, the term “motor vehicle” means any and all vehicles included within the definition of motor vehicle in O.R.C. §4501.01 and §4505.01.

SECTION 4. The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2015, and shall continue in effect and application during each registration year thereafter.

SECTION 5. The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in O.R.C. §4503.10.

5205-2015 Continued

SECTION 6. All monies derived from the tax hereinbefore levied shall be used by the City of North Ridgeville for the purposes specified in this Ordinance.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5206-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the “Public Infrastructure Improvements”), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the “Act”) provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in **Exhibit “A”**, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in Exhibit “A” located in the City, and that such Commercial Improvements would first appear on the tax list and

5206-2015 Continued

duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit “A” that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit “B” which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer

5206-2015 Continued

semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the "Property Tax Rollback Payments") had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the "District") in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

5206-2015 Continued

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5207-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the “Public Infrastructure Improvements”), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

5207-2015 Continued

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the “Act”) provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in Exhibit A, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in **Exhibit “A”** located in the City, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit “A” that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is

5207-2015 Continued

granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit "B" which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the "Property Tax Rollback Payments") had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the "District") in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for

5207-2015 Continued

the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public Improvement Tax Increment Equivalent Fund (the “Fund”) into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5208-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

5208-2015 Continued

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the “Public Infrastructure Improvements”), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the “Act”) provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in **Exhibit “A”**, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in Exhibit “A” located in the City, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit “A” that would first appear on the tax list and duplicate of real and public utility

5208-2015 Continued

property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit “B” which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the “Service Payments”). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the “Property Tax Rollback Payments”) had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the “District”) in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers

5208-2015 Continued

of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5209-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the “Public Infrastructure Improvements”), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the “Act”) provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in **Exhibit “A”**, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in Exhibit “A” located in the City, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

5209-2015 Continued

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit A that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit "B" which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the "Property Tax Rollback Payments") had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the "District") in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service

5209-2015 Continued

Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in

5209-2015 Continued

meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5210-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the “Public Infrastructure Improvements”), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the “Act”) provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in **Exhibit “A”**, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in Exhibit “A” located in the City, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

5210-2015 Continued

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit “A” that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit “B” which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same

5210-2015 Continued

may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the "Service Payments"). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the "Property Tax Rollback Payments") had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the "District") in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund") into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

5210-2015 Continued

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

5211-2015 AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF NORTH RIDGEVILLE TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND.

WHEREAS, the development of commercial and industrial properties in the City of North Ridgeville will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code) (the "Public Infrastructure Improvements"), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the "Act") provide that Council may describe Public Infrastructure Improvements to be made which benefit a parcel of real property, declare that Improvements (as defined in Ohio Revised Code Section 5709.40(a)(4) with respect to such commercial and industrial properties to be a public purpose, thereby

5211-2015 Continued

exempting those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the property owners set forth in **Exhibit “A”**, attached hereto and made a part hereof (collectively, the “Property Owners”), have made, are in the process of making or in the future shall make certain Improvements (the “Commercial Improvements”) to the real property described in Exhibit “A” located in the City, and that such Commercial Improvements would first appear on the tax list and duplicate of real and public utility property subsequent to the effective date of this Ordinance, were it not for the exemptions specified herein; and

WHEREAS, the City has made, is in the process of making, or will make certain Public Infrastructure Improvements as more particularly described in **Exhibit “B”**, attached hereto and made a part hereof, that directly benefit or, once made, will directly benefit the Commercial Improvements; and

WHEREAS, pursuant to and in the manner prescribed by Ohio Revised Code Section 5709.83, the City delivered notice to the North Ridgeville City School District on _____, stating the City’s intent to declare the Commercial Improvements to be a public purpose under Ohio Revised Code Section 5709.40.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, THAT:

SECTION 1: It is hereby declared that construction of the Commercial Improvements is a public purpose.

SECTION 2: Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines that one hundred percent (100%) of the increase in the assessed value of the Commercial Improvements made or which shall be made to the real properties listed on Exhibit “A” that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance is a public purpose, and one hundred percent (100%) of said increase in assessed value of the Commercial Improvements is hereby declared to be exempt from taxation for a period of thirty (30) years commencing with the tax year in which a Commercial Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date a Commercial Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the City has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Infrastructure Improvements authorized in Section 3 hereof which are to be paid from that fund; provided, however, that as to any real property for which real property tax abatement is granted by an ordinance adopted pursuant to Sections 3735.66 or 5709.63 of the Ohio Revised Code, such exemption shall apply to the effective real property tax payable after application of the abatement, and the exemption granted by this Ordinance shall be subordinate to the abatement as provided in Section 5709.911(A)(2) of the Ohio Revised Code.

5211-2015 Continued

SECTION 3: The City shall construct or cause to be constructed the Public Infrastructure Improvements identified on Exhibit “B” which will directly benefit the Commercial Improvements. The cost of such Public Infrastructure Improvements may be paid in part from the proceeds of bonds and/or notes to be issued by the City and secured in part from revenues received by the City from service payments made by the Property Owners in lieu of taxes, as set forth herein.

SECTION 4: As provided in Section 5709.42 of the Ohio Revised Code, the Property Owners are hereby required to, and shall make, payments in lieu of taxes to the Lorain County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Commercial Improvements. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the payments in lieu of taxes as the “Service Payments”). Each semiannual payment shall be in the same amount as the real property taxes that would have been charged and payable against the Commercial Improvements (after credit for any other available payments received by the City under Ohio Revised Code Section 319.302 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, herein the “Property Tax Rollback Payments”) had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the Ohio Revised Code. In accordance with Section 5709.42 of the Ohio Revised Code, the County Treasurer shall distribute a portion of the Service Payments directly to the North Ridgeville City School District (the “District”) in an amount equal to the property tax payments the District would have received had the Commercial Improvements not been exempted under this Ordinance. The Service Payments when distributed to the City by the Lorain County Treasurer shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund described in Section 6 hereof. If determined to be necessary or appropriate by the Director of Law of the City, the Mayor and the finance director may sign and deliver, in the name of and on behalf of the City, a Tax Increment Financing Agreement between the City and one or more Property Owners, providing for, among other things, the construction of the Public Improvements and payment of such Service Payments. Council further hereby authorizes and directs the Mayor, finance director, Law Director, and other appropriate officers of the City, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to carrying out any such agreement, and to make such arrangements as are necessary and proper for payment of said Service Payments.

SECTION 5: Pursuant to Ohio Revised Code Section 5709.42, the County Treasurer shall pay to the Districts, from a portion of the Service Payments, the amount of the taxes that would have been payable to the District if the Commercial Improvements had not been exempted pursuant to this Ordinance for the period commencing on the effective date of this Ordinance and ending on the date of termination of the exemption of the Commercial Improvements as set forth in Section 2 hereof.

SECTION 6: Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, there been previously established within the City Treasury the Municipal Public

5211-2015 Continued

Improvement Tax Increment Equivalent Fund (the "Fund") into which shall be deposited service payments in lieu of taxes received from the Property Owners and distributed to the City by the Lorain County Treasurer. Such Fund may be combined with other funds created by ordinances of this Council authorizing other such projects. Money in the Fund shall be used

(i) to finance the direct and indirect costs of the Public Infrastructure Improvements, including to reimburse the City or any Property Owner for any such costs incurred; and

(ii) to pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the City to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

SECTION 7: The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency, and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described as required by Section 5709.40 of the Ohio Revised Code.

SECTION 8: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

CITY COUNCIL MEETING DATES FOR 2015

| | | |
|-------------------|-------------------|--------------------|
| January 5, 2015 | January 20, 2015 | February 2, 2015 |
| February 17, 2015 | March 2, 2015 | March 16, 2015 |
| April 6, 2015 | April 20, 2015 | May 4, 2015 |
| May 18, 2015 | June 1, 2015 | June 15, 2015 |
| July 6, 2015 | July 20, 2015 | August 3, 2015 |
| August 17, 2015 | September 8, 2015 | September 21, 2015 |
| October 5, 2015 | October 19, 2015 | November 2, 2015 |
| November 16, 2015 | December 7, 2015 | December 21, 2015 |

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