

**ORDINANCE NO. 010-2025**

**Amended 01-21-2025**

**Tabled until 02-18-2025**

**TABLED until 03-18-2025**

**TABLED until 04-15-2025**

**Amended 04-15-2025**

APPROVING COMMUNITY REINVESTMENT AREA REAL PROPERTY TAX EXEMPTION APPLICATION FOR FAIRWAY CLIFFS LLC, OR ITS DESIGNEES; AUTHORIZING THE MAYOR TO EXECUTE AN INFRASTRUCTURE AGREEMENT AND RELATED DOCUMENTS FOR THE PROJECT; ~~AND DECLARING AN EMERGENCY.~~

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WHEREAS, this Council, by its Ordinance No. 19-98 (as subsequently amended including by Ordinance No. 057-2021 and 062-2023, collectively the "CRA Ordinance") created the Main Street Re/Development District Community Reinvestment Area (the "CRA"); and

WHEREAS, this City desires to encourage the redevelopment of real property and the creation of housing and employment opportunities within the CRA; and

WHEREAS, Fairway Cliffs, LLC (the "Applicant") desires to invest approximately \$11,000,000 to construct ~~36~~ 50 new townhomes on parcels #090-001776-00 and #090-001792-00 located at 800 Fairway Boulevard (the "Project"), and have submitted an application requesting a 15-year, 100% real-property tax exemption for the Project (the "CRA Application"); and

WHEREAS, in order to facilitate the completion of the Project and the creation of the related housing opportunities and public infrastructure, this Council desires to grant to the Applicant and its successors and assigns a 15-year, 100% real-property tax exemption for the Project (the "CRA Exemption"); and

WHEREAS, in order to provide for the construction of the public infrastructure improvements planned as part of the Project, this Council desires to authorize the Mayor to enter into an Infrastructure Agreement with the Applicant or its designee; and

WHEREAS, notices of the CRA Application has been delivered to the Board of Education of the Whitehall City School District and the Eastland Joint Vocational School District in accordance with Ohio Revised Code Section 5709.83; NOW; THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHITEHALL, OHIO:

**SECTION 1:** The City grants the CRA Exemption for the Project pursuant to Ohio Revised Code Section 3735.67 which exemption shall be in the amount of 100% for a period of 15 years commencing for each separate platted tax parcel in the first year for which the Project improvements on that parcel would first be taxable were those improvements not exempted from taxation. The City may revoke the CRA Exemption if the owner of the Project does not comply with one or more declaration of covenants recorded by the owner in favor of the new community authority, the City, or the Whitehall City School District, as directed by the City. Pursuant to and for purposes of Ohio Revised Code Section 3735.66, this Council finds and determines that the Project is composed of townhomes and shall be classified as residential. This Council further declares that the real property tax exemption granted by this ordinance is senior to any real property tax exemption granted pursuant to Ohio Revised Code Section 5709.40.

**SECTION 2:** An Infrastructure Agreement, providing for, among other things, construction of the public improvements planned as part of the Project and reimbursement to the Applicant (or its designee) of the costs of the public infrastructure in an amount not to exceed \$1,083,973, is hereby approved. All reimbursements shall be made either from tax increment financing service payments in lieu of taxes generated by the Project (including any minimum

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service payments as agreed by the Applicant and the City) or from new community charges levied and collected from

the Project. The Infrastructure Agreement shall be in form and substance approved by the Mayor and the City Attorney. The Mayor, for and in the name of this City, is hereby authorized to execute and deliver the Infrastructure Agreement and any amendments thereto, provided further that the approval of form of the Infrastructure Agreement or amendments thereto by the Mayor and the City Attorney shall be evidenced conclusively by the Mayor's execution thereof and the City Attorney's approval as to form thereof.

SECTION 3: This Council further hereby authorizes the Mayor, and other appropriate officers of the City, to sign those instruments and make those arrangements as are necessary to carry out the purposes of this ordinance, including, without limitation, any minimum service payment declarations with respect to the Project.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 5: ~~This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to induce the applicant to develop the Project, all in order to create housing opportunities, construct needed public infrastructure and improve the economic welfare of the people, of the City and the State of Ohio; wherefore, this Ordinance shall be in full force and effect immediately upon its passage. That this Ordinance shall go into full force and effect at the earliest period allowed by law.~~

PASSED this 15 day of April, 2025.

ATTEST:

Julia A. O'Connell  
Clerk of Council

[Signature]  
President of Council

APPROVED this 15 day of April, 2025.

[Signature]  
Mayor

"I hereby certify the foregoing to be a true and exact copy of Ord 010-2025 as passed by the Council of the City of Whitehall, Ohio at its meeting held April 15, 2025

Approved by the Mayor on 04-15-2025  
[Signature]  
Clerk of Council of the City of Whitehall, Ohio