

ORDINANCE NO. 011-2025

TABLED until 02-18-2025

TABLED until 03-18-2025

TABLED until 04-15-2025

Amended 04-15-2025

CREATING THE FAIRWAY BOULEVARD TAX INCREMENT FINANCING 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 PARCELS IN THE INCENTIVE DISTRICT; ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, this Council, in coordination with Fairway Cliffs, LLC, or its affiliates and assigns (the "Developer"), desires to facilitate the development of a new residential subdivision with approximately ~~36~~ 50 townhomes within the City in order to increase available housing options within the City (the "Project"); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, this Council, pursuant to ORC Sections 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Act"), is authorized to declare improvements to real property to be a public purpose, exempt those improvements from real property taxation, and require owners of the real property to make service payments in lieu of taxes in an amount equal to such exempted taxes; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has determined to create the Fairway Boulevard Incentive District (the "Incentive District") pursuant to the TIF Act, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within the Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the "Parcels", with each of those parcels referred to herein individually as a "Parcel"); and

WHEREAS, notice of this proposed ordinance has been delivered to every real property owner whose property is located within the boundaries of each of the proposed Incentive District, the Franklin County Board of Commissioners and the Boards of Education of the Whitehall City School District and the Eastland Joint Vocational School District (each a "School District") in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83; and

WHEREAS, this Council has determined to provide for the execution and delivery of an agreement between the City and the Developer ("the Development Agreement") by which the City will cause the developer to construct or cause to be constructed certain public infrastructure improvements, NOW, THEREFORE,

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

SECTION 1. Incentive District Findings and Determinations; Creation of Incentive District. This Council hereby: (i) adopts the Economic Development Plan for the Incentive District now on file with the Clerk of the City Council, (ii) accepts and adopts the City Engineer's certification to this Council and the City Engineer's findings set forth therein (a) that the public infrastructure serving the Incentive District is inadequate to meet the development needs of the Incentive District as evidenced by the Economic Development Plan and (b) that the Incentive District is less than 300 acres in size and enclosed by a contiguous boundary, (iii) finds and determines that the Project will place additional demand on the Public Infrastructure Improvements, (iv) finds and determines that the City sent written notice of the public hearing regarding this ordinance by first class mail to each owner of real property within the proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by ORC Section 5709.40(C)(2), (v) finds and determines that this Council has not received a request from the

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owner of any real property within the proposed Incentive District to exclude that owner's property from the Incentive District and (vi) finds and determines that notice of this ordinance has been delivered to the Franklin County Board of Commissioners and the Boards of Education of Whitehall City School District and the Eastland Joint Vocational School District in accordance with and within the time periods prescribed in ORC Sections 5709.40 and 5709.83. Pursuant to the TIF Act, 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 attached hereto.

SECTION 2. 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 public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, the Parcels.

SECTION 3. Life of Incentive District; Authorization of Tax Exemption. ~~The life of the Incentive District commences with the first tax year after the effective date of this ordinance and in which at least \$200,000 of Improvements attributable to new structures~~ Pursuant to and in accordance with the provisions of R.C. 5709.40(c), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each Parcel in the Incentive District that would first appear on the tax list and duplicate of real and public utility property ~~for after the effective date of this Ordinance (the "Improvement" as defined in the TIF Act, is hereby declared to be a public purpose, and shall be exempt from real property taxation for a period of thirty (30) years (the "TIF Exemptions"). The TIF Exemptions with respect to the Parcels within the Incentive District were it not for the exemption granted in this ordinance and ends shall commence the earlier of the first day (i) the first tax year in which the Franklin County Auditor determines that an improvement caused by the construction of one or more structures upon any Parcel within the Incentive District meets or exceeds \$2,000,000 in true value, or (ii) tax year 2032 (the "Commencement Date"), and ending, for every Parcel included within the Incentive District, on the date that is the earlier of (a) thirty (30) years after such commencement the Commencement Date or (b) the date on which the City can no longer require service payments in lieu of taxes, all either by law, or because the costs of all Public Infrastructure Improvements are paid for in accordance with the requirements of the TIF Act (the "Incentive District Life"). Pursuant to and in accordance with the provisions of ORC Section 5709.40(c), this Council hereby declares that the increase in assessed value of each Parcel subsequent to R.C. 5709.40, 5709.42, and 5709.43. The life of the Incentive District shall continue from 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, with 100% of such Improvement to each Parcel exempt from taxation for the Incentive District Life for the Incentive District. The foregoing exemption is subordinate to any exemptions granted pursuant to ORC Section 3735.65 et. seq. Ordinance until the date on which the TIF Exemption is no longer effective with respect to any Parcel.~~

SECTION 4. Service Payments and Property Tax Rollback Payments. Pursuant to ORC Section 5709.42, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the Franklin County Treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the "Service Payments"), 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 payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this ordinance. 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 6 of this ordinance.

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SECTION 5. TIF Fund. This Council hereby establishes the Fairway Boulevard Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to the TIF Act shall be used solely for the purposes authorized in the TIF Act and this ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Act.

SECTION 6. Distribution of Funds. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments as follows:

a. To each of the Whitehall City School District and the Eastland Joint Vocational School District, an amount equal to the amount the school district would otherwise receive as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this ordinance.

b. To the Franklin County Board of Commissioners, an amount equal to fifty percent of the amount the Franklin County Board of Commissioners would otherwise receive as real property tax payments derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this ordinance.

c. To the appropriate taxing authorities, a portion of the Service Payments required under R.C. 5709.40(f) for certain protected tax levies Pursuant to R.C. 5709.42(c).

e d. To the City, all remaining amounts for further deposit into the TIF Fund an amount equal to what the City would have received if the Improvement had not been exempt from taxation pursuant to this Ordinance for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

e. To the Developer, an amount to reimburse the Developer for the costs of the Infrastructure Improvements as such costs shall be reviewed and approved by the City, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements.

All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions. The City shall make any distributions to the extent not made by the County Treasurer.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the Mayor, or other appropriate officers of the City, to deliver a copy of this ordinance to the Ohio Department of Development and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the Mayor, 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 8. Application for Real Property Tax Exemption and Remission. This Council hereby authorizes the Economic Development Director, his or her designees, and other appropriate officers of the City, to work with the

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Developer and any owners to prepare, sign, and submit any applications for real property tax exemptions pursuant to R.C. 5709.911, the provisions of which govern the priority status of the exemptions provided under this Ordinance.

SECTION 8 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 9 10. Effective Date. ~~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 cause the development of the Incentive District and construct the public park and other public infrastructure improvements contemplated by this ordinance and agreements of the City; 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. Papp
Clerk of Council

[Signature]
President of Council

APPROVED this 15 day of April, 2025.

[Signature]
Mayor

Attachments:

- Exhibit A Identification and Map of the Parcels
- Exhibit B Public Infrastructure Improvements

"I hereby certify the foregoing to be a true and exact copy of Ord 011-2025 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

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MAP OF THE INCENTIVE DISTRICT

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EXHIBIT B

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under Section 5709.40(A)(8) of the Ohio Revised Code and that directly benefits or serves parcels in the Incentive District and specifically include, but are not limited to, any of the following improvements that will benefit or serve parcels in the Incentive District and all related costs of those permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code) which “costs” specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the debt service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements:

- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare, including but not limited to the construction and installation of storm water sewers throughout the proposed development and a detention pond;
- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
- **Environmental/Health.** Implementation of environmental remediation measures necessary to enable the Project and the construction of public health, including but not limited to preservation of wetlands and flood plain management in the areas around the proposed development, dam modifications and improvements, any dredging of waterways in the Incentive District, streambank erosion protection and renovation and related environmental studies and remediation;
- **Utilities.** Construction, reconstruction or installation of gas, electric and communication service facilities and all appurtenances thereto;
- **Demolition.** Demolition, including demolition on private property when determined to be necessary for public health, safety and welfare;

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- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in "Roadways" above;
- **Park and Recreation:** park and recreation improvements located within the Incentive District or benefiting or serving residents of the Incentive District, including construction of a boat launch, detention pond and parking area within or adjacent to the Incentive District;
- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements, or (b) in aid of industry, commerce, distribution or research; and
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.