

**ORDINANCE NO. 2020 -24**

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

Introduced by	<i>Mjpr</i>
Motioned by	<i>Sanders</i>
Seconded by	<i>Sarther</i>
1st Reading	_____
2nd Reading	_____
Third Reading	_____
Under suspension	<i>3-5-20</i>

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE VANSHH LLC MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the "Act") provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements ("Public Improvements") to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village 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 Public Improvements are generally described in Exhibit A hereto, and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property (the "Properties"), the Permanent Parcels of which are listed in Exhibit B attached hereto and incorporated by reference herein, located in the Village; and

**WHEREAS**, notice of the above described property tax exemptions has been transmitted to the Board of Education of the Bedford City School District (the "School District") pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit or, that once made, will directly benefit the Properties which are set forth in Exhibit B hereto and incorporated herein.

**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 Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an 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 the Improvement has been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that Fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvement are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Improvement. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvement not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Vansbh LLC. Investment Municipal Public Improvement Tax Increment Equivalent Fund created by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director and other appropriate officers of the Village 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 obtaining the exemptions and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Vansbh LLC. Investment Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvement on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village 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 Village to finance those costs of the Public Improvements provided in clause (i) above until such notes or bonds are paid in full.

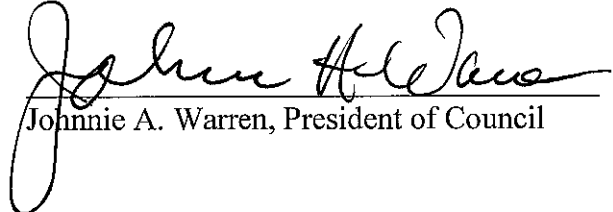
The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.


**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** Pursuant to Charter Sections 7.13 and 7.14, the Clerk of Council shall post copies of this Ordinance in the Council Chamber and in the five public places as provided by the Codified Ordinances of the Village.

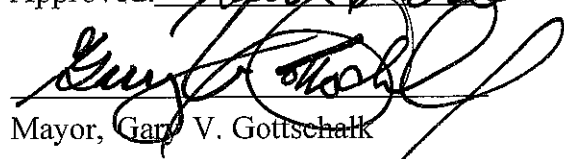
**SECTION 7.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being the immediate necessity of providing funding for the Public Improvements so that such Public Improvements can be constructed, therefore, provided it receives two-thirds (66.67 %) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: March 3 2020

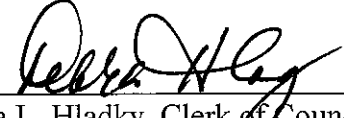
  
Johnnie A. Warren, President of Council

  
Debra L. Hladky, Clerk of Council

Presented to the Mayor March 4, 2020

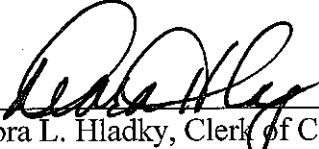
Approved: March 6 2020  
  
Mayor, Gary V. Gottschalk

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2020 -24 was duly and regularly passed by this Council at the meeting held on the 6 day of March, 2020.

  
Debra L. Hladky, Clerk of Council

**POSTING CERTIFICATE**

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2020 - 24 was duly posted on the 6 day of March, 2020, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

  
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Debra L. Hladky, Clerk of Council

DATED: March 6 2020

This is a part of the legislation  
as passed.

To see this legislation in its  
entirety, please contact the  
Clerk of Council, Debra Hladky

[dhladky@oakwoodvillageoh.com](mailto:dhladky@oakwoodvillageoh.com)  
440.201.1020 (direct line)