

## NOTICE OF SPECIAL COUNCIL MEETING

Pursuant to Section 7.09 of the Charter of the Village of Oakwood, notice is hereby given of the calling of a Special Council Meeting by Mayor, to be held December 30, 2021, at 1:00pm to consider the following matters:

- |   |   |
|---|---|
| Res 2021-77<br>Introduced by Mayor &<br>Council as a whole<br>12/14/2021<br>3 <sup>rd</sup> Reading | A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2021, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY  |
| Res 2021-78<br>Introduced by Mayor &<br>Council as a whole<br>12/14/2021<br>3 <sup>rd</sup> Reading | A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM FOR 2022, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY   |
| Ord 2021-79<br>Introduce by Mayor &<br>Council as a whole<br>3 <sup>rd</sup> Reading                | AN EMERGENCY ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF OAKWOOD, OHIO FOR THE YEAR 2022   |
| Ord 2021-80<br>Introduced by Mayor &<br>Council as a whole<br>3 <sup>rd</sup> Reading               | AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2021-21, AS AMENDED, MAKING APPROPRIATIONS FOR CURRENT EXPENSES OF THE VILLAGE OF OAKWOOD DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND MAKING NECESSARY TRANSFERS AND ADDITIONAL APPROPRIATIONS   |
| Ord 2021-81<br>Introduces by Mayor &<br>Council as a whole<br>3 <sup>rd</sup> Reading               | AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY VIEWRAY, INC, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1   |
| Ord 2021-82<br>Introduced by Mayor &<br>Council as a whole<br>3 <sup>rd</sup> Reading               | AN EMERGENCY 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 VIEWRAY, INC., MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY |
| Ord 2021-83<br>Introduced by Mayor &<br>Council as a whole<br>3 <sup>rd</sup> Reading               | AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY C2OW, LLC, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1  |

Ord 2021-84

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY 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 C2OW, LLC, MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY

Ord 2021-85

Introduced by Mayor &

and Council as whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY OHIO MACHINERY DBA AS OHIO CAT, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-86

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY T. HAWTHORNE VALLEY OH, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-87

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY 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 T. HAWTHORNE VALLEY, OH MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY

**In accordance with the provisions contained in the Village Charter, no other matters will be considered by Village Council other than those listed herein.**

**Christine Morgan**

**Clerk of Council, Village of Oakwood**

**VILLAGE OF OAKWOOD  
SPECIAL COUNCIL MEETING**

**December 30, 2021**

**1:00 p.m.**

**AGENDA**

Pursuant to Section 7.09 of the Charter of the Village of Oakwood, Johnnie A Warren, Council President is hereby calling a Special Meeting of Village Council to consider the following items:

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**1. Call Meeting to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

Council President	Johnnie A. Warren	Mayor	Gary V. Gottschalk
Council-At-Large	Elaine Y. Gaither	Law Director	James Climer
Ward 1 Councilman	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Melanie Sanders	Chief of Fire	Jim Schade
Ward 4 Councilperson	Patricia Rogers	Police Chief	Mark Garratt
Ward 5 Councilperson	Candace S. Williams	Building Inspector	Daniel Marinucci
		Engineer	Ed Hren
		Recreation Director	Carlean Perez

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**Res 2021-77**

Introduced by Mayor  
& Council as a whole

12/14/2021

3<sup>rd</sup> Reading

A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2021, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY

**Res 2021-78**

Introduced by Mayor &  
Council as a whole

12/14/2021

3<sup>rd</sup> Reading

A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM FOR 2022, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY

**Ord 2021-79**

Introduce by Mayor &  
Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF OAKWOOD, OHIO FOR THE YEAR 2022

**Ord 2021-80**

Introduced by Mayor &  
Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 2021-21, AS AMENDED, MAKING APPROPRIATIONS FOR CURRENT EXPENSES OF THE VILLAGE OF OAKWOOD DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND MAKING NECESSARY TRANSFERS AND ADDITIONAL APPROPRIATIONS

**Ord 2021-81**

Introduces by Mayor &  
Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY VIEWRAY, INC, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-82

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY 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 VIEWRAY, INC., MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY

Ord 2021-83

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY C2OW, LLC, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-84

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY 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 C2OW, LLC, MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY

Ord 2021-85

Introduced by Mayor &

and Council as whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY OHIO MACHINERY DBA AS OHIO CAT, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-86

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY T. HAWTHORNE VALLEY OH, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO.1

Ord 2021-87

Introduced by Mayor &

Council as a whole

3<sup>rd</sup> Reading

AN EMERGENCY 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 T. HAWTHORNE VALLEY, OH MUNICIPAL IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS AND DECLARING AN EMERGENCY

## 9. Adjournment

RESOLUTION NO. 2021-77

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR 2021, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY**

**WHEREAS**, Cuyahoga County, as an Urban County designated by the Department of Housing and Urban Development (“HUD”), receives and administers an annual entitlement from the Community Development Block Grant program through the Cuyahoga County Department of Development; and

**WHEREAS**, the Department of Development carries out various housing and community development activities with Community Development Block Grant (“CDBG”) funds including funding eligible activities carried out by other units of local government through the County’s Municipal Grant Program, which eligible activities include: a) community master plans; b) housing and commercial demolition; c) infrastructure; d) public safety; e) streetscapes; f) parks and playgrounds; or g) community and senior centers; and

**WHEREAS**, the Village of Oakwood is a local government eligible to receive CDBG funding for an eligible activity through the Municipal Grant Program; and

**WHEREAS**, The Mayor and Engineer have advised Council that CDBG funds may be available through the 2021 Community Development Block Grant program through the Cuyahoga County Department of Development in an amount not exceeding One Hundred Fifty Thousand Dollars (\$150,000.00), to fund improvements on Broadway Avenue as required to improve pedestrian safety on the sidewalks and to make all curb ramps compliant with the Americans with Disabilities Act (ADA).

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

**SECTION 1.** The Mayor and Engineer are hereby authorized and directed to make application, sign and file all necessary contracts and documents with the Cuyahoga County Department of Development for CDBG funding through the 2021 Community Development Block Grant program for the following project:

**Broadway Avenue ADA Accessible Curb Ramps and Sidewalk Project**

**SECTION 2.** The Mayor be and he is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance and further upon the recommendations of the Village Engineer, and approved as to form by the Village Law Director, in accordance with all authority granted to and limitations upon the Village Director of Finance.

**SECTION 3.** This Resolution 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 that it is necessary to timely submit the application

therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Resolution 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: \_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2021-77 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Resolution No. 2021-77 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

RESOLUTION NO. 2021-78

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING THE MAYOR AND ENGINEER TO MAKE APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM FOR 2022, AND AUTHORIZING THE SIGNING OF CONTRACTS AND OTHER DOCUMENTS RELEVANT THERETO, AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to Section 714.02 of the Cuyahoga County Code, there is created the Cuyahoga County Community Supplemental Block Grant program to be administered in conjunction with and using the same grant process as the County Community Development Block Grant Program; and

**WHEREAS**, the Cuyahoga County Community Development Supplemental Grant (“CDSG”) program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development; and

**WHEREAS**, the CDSG program shall be funded through the County Casino Revenue Fund as established in Chapter 709 of the County Code. Fifteen percent (15%) of the funds transferred into the Casino Revenue Fund annually shall be used to fund projects approved through the Cuyahoga County Community Development Supplemental Grant program; and

**WHEREAS**, CDSG funds are available to eligible municipal corporations to fund projects meeting a community development need related to the health or welfare of the community, which projects include: a) community master plans; b) housing and commercial demolition; c) infrastructure; d) public safety; e) streetscapes; f) parks and playgrounds; or g) community and senior centers; and

**WHEREAS**, the Village of Oakwood is a municipal corporation eligible to receive CDSG funding for an eligible activity through the Municipal Grant Program; and

**WHEREAS**, The Mayor and Engineer have advised Council that CDSG funds may be available through the 2022 Cuyahoga County Community Development Supplemental Grant program in an amount not exceeding Fifty Thousand Dollars (\$50,000.00), to fund the Village of Oakwood Branding Signs Project

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

**SECTION 1.** The Mayor and Engineer are hereby authorized and directed to make application, sign and file all necessary contracts and documents with the Cuyahoga County Department of Development for CDSG funding through the 2022 Cuyahoga County Community Development Supplemental Grant program for the following project:

## Village of Oakwood Branding Signs Project

**SECTION 2.** The Mayor be and he is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance and further upon the recommendations of the Village Engineer, and approved as to form by the Village Law Director, in accordance with all authority granted to and limitations upon the Village Director of Finance.

**SECTION 3.** This Resolution 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 that it is necessary to timely submit the application therefore, provided it receives two thirds (2/3) of the vote of all members of Council elected thereto, said Resolution 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2021-78 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

## POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Resolution No. 2021-78 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_



ORDINANCE NO. 2021-79

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE TO MAKE TEMPORARY  
APPROPRIATIONS FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE VILLAGE OF  
OAKWOOD, OHIO FOR THE YEAR 2022**

**WHEREAS**, it is provided by State Law that a temporary appropriation Ordinance may be approved by Council; and

**WHEREAS**, it is therefore necessary to enact temporary appropriations for the year 2022 in accordance with the Charter of the Village of Oakwood and the laws of the State of Ohio:

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

**SECTION 1.** In order to provide for current expenses and other expenditures of the Village of Oakwood, Ohio, during the year 2022, the following sums be, and they are hereby set aside and temporarily appropriated as set forth in Exhibit "A", attached hereto and expressly made a part hereof by reference. The column entitled "2022 Appropriations" in said Exhibit "A" shall be amended by dividing each sum listed there under by one quarter (1/4).

**SECTION 2.** The Director of Finance be and is hereby authorized to draw warrants for payments for any of the appropriations as the same are delineated in Exhibit "A", upon receiving proper certificates and vouchers therefore, approved by the Board, Officers or Officer or persons authorized to approve the same, or an Ordinance or Resolution of Council to make the expenditures, provided that no warrants shall be drawn or paid for salaries, or wages, except by persons employed by authority of and in accordance with laws or Ordinances.

**SECTION 3.** The Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Ordinance to the County Auditor, Cuyahoga County, Ohio.

**SECTION 4.** 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 that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds (2/3) 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021-79 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021-79 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

ORDINANCE NO. 2021-80

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE**

**AN EMERGENCY ORDINANCE AMENDING  
ORDINANCE 2021-21, AS AMENDED, MAKING  
APPROPRIATIONS FOR CURRENT EXPENSES OF THE  
VILLAGE OF OAKWOOD DURING THE FISCAL YEAR  
ENDING DECEMBER 31, 2021, AND MAKING  
NECESSARY TRANSFERS AND ADDITIONAL  
APPROPRIATIONS**

**WHEREAS**, the appropriations heretofore set to certain accounts of the Village of Oakwood are anticipated to be insufficient to cover all expenses anticipated during the fiscal year ending December 31, 2021:

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

**SECTION 1.** Ordinance 2021-21, as amended, making appropriations for current expenses for the fiscal year ending December 31, 2021, be and the same is hereby further amended by making the following transfers and additional appropriations as depicted in Exhibit "A", attached hereto and expressly made a part hereof by reference, said additional appropriations emanating from additional revenues received in the General Fund for the fiscal year ending December 31, 2021.

**SECTION 2.** All other provisions contained in Ordinance 2021-21, as previously amended and as further amended herein, which are not inconsistent with the provisions contained in this Ordinance shall remain in full force and effect.

**SECTION 3.** The Finance Director be and is hereby authorized to make payments from any of the foregoing appropriations upon receiving prior invoices and vouchers therefore, approved by the persons authorized by law to approve the same.

**SECTION 4.** 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 that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds (2/3%) 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

### **CERTIFICATION**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021-80 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021-80 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2021, 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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

To Codified? Y / N    1st Read \_\_\_\_\_    2nd Read \_\_\_\_\_    3rd Read \_\_\_\_\_ Under Suspension Y/ N

ORDINANCE NO. 2021- 81

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE  
AN EMERGENCY 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 VIEWRAY  
INC 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 ViewRay, Inc. 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 ViewRay, Inc. 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.** Copies of this Ordinance shall be posted as required by the Village Charter.

**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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie A Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Gary V Gottschalk, Mayor

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021- \_\_\_\_\_ was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

## **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021- was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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 demlined by the Council of the said Village.



## **EXHIBIT A**

### **Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on- site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2021- . All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

Listing of Permanent Parcel Number:      795-33-016

To Codified? Y / N    1st Read    2nd Read \_\_\_\_\_ 3rd Read \_\_\_\_\_ Under Suspension N

ORDINANCE NO. 2021-82

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE  
PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT  
TO REAL PROPERTY OWNED BY VIEWRAY, INC, LOCATED IN  
OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1**

**WHEREAS,** The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. 1 owned by ViewRay, Inc. qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61 and 2001-22; and

**WHEREAS,** Council must determine the period of such exemption:

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

**SECTION 1.** The ViewRay, Inc. intends to partition off 2,000 sq S.F. of office/conference spaces into test rooms. Electrical, mechanical and finish work will be performed in the existing space at an estimated cost of \$ 450,000.

ViewRay holds the exclusive world-wide license for its patented MRI-guided radiation therapy system to patients seeking cancer treatment for lung, prostate, pancreas, liver cancers and other small tumors in abdominal and pelvic areas. Currently 46 MRIdian systems are installed in hospitals around the world with nearly 16,000 patients having been treated. ViewRay has been named as one of the most promising tech companies in the world.

**SECTION 2.** To the extent that the improvements to the real properties located at 2 Thermo Fisher Way, also known as Permanent Parcel Number 795-33-016, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. 1, and owned by ViewRay, Inc. or its successor(s) in interest, increase the market value of the real property improvements, such amount shall be and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996-61 and 2001-22, and Section 3735.67(D)(3) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover forty nine percent (49%) of the dollar amount by which the improvements increase the market values of the real property improvements. Any additional development on the balance of Permanent Parcel Number 795-33-016, similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees as well as the abatement application fee shall be waived for the construction of these facilities and items related thereto as and for additional economic incentive to ViewRay, Inc. for its project within the Village of Oakwood, Ohio.

**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years or at any time after the first year of exemption if the Housing Officer finds and certifies delinquency in a payment of property taxes for the subject property or that the subject property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event ViewRay, Inc., or its successor(s) in interest, fail to renovate the building indicated in Section 1, with eighteen (18) months of the date of this Ordinance, this exemption shall become null and void. If ViewRay, Inc. or its successor(s) in interest shall, for any reason cease operation of the building contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said real property tax and in the further event abatement from the payment of the new tax is permitted by applicable law, the Village of Oakwood agrees to allow for the substitution of this abatement for an abatement of the new tax in the same proportion and for the remaining duration of the existing abatement provided such substitution is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local School Board.

**SECTION 6.** 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 that the same relates to the daily operation of a municipal department and the provision of economic development and opportunities beneficial to the citizens of the Village of Oakwood, therefore, provided it receives two-thirds (2/3) 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: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 20201- 81 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

#### POSTING CERTIFICATE

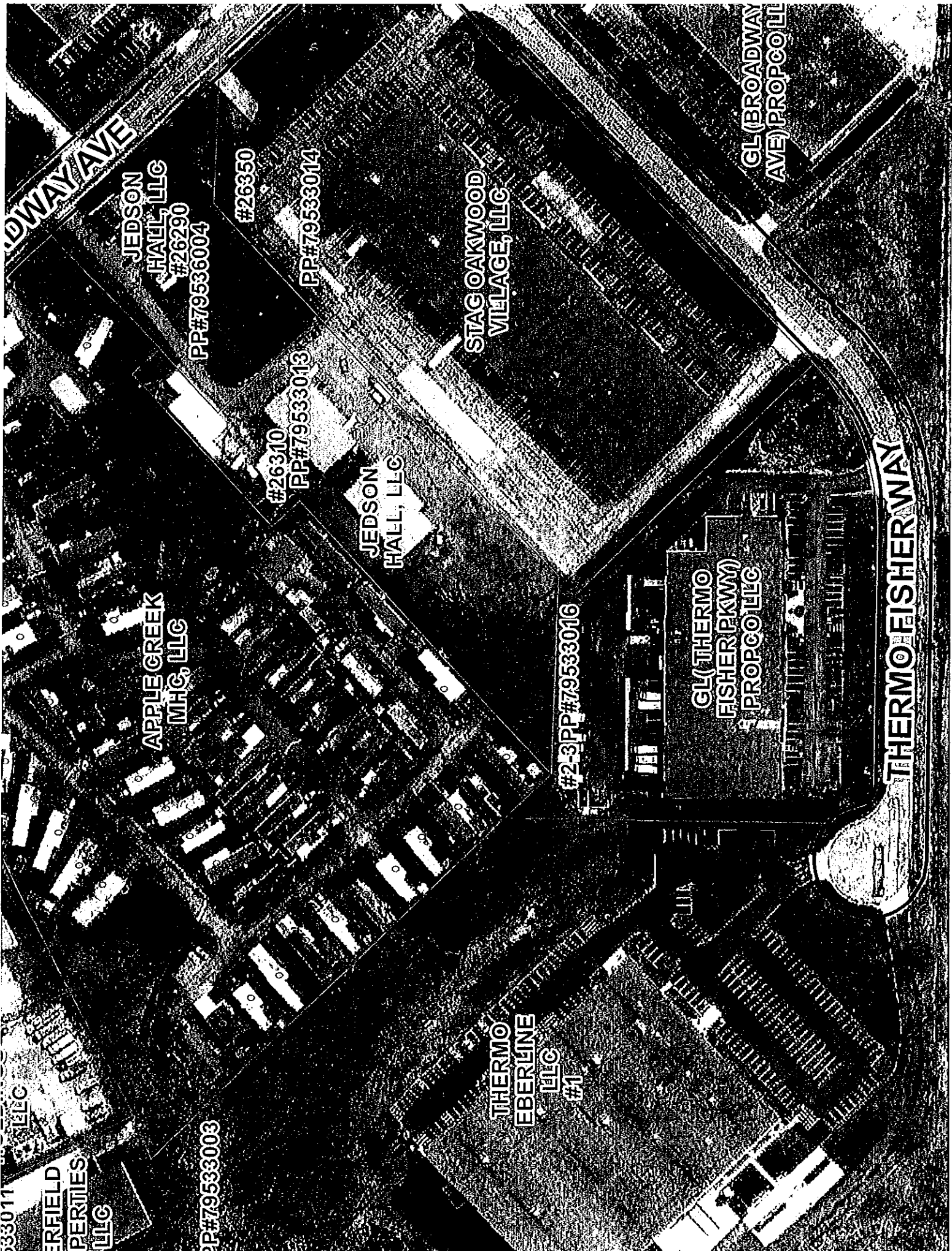
I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021-81 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_ 2021 and will remain posted in accordance with the Oakwood Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

**VILLAGE OF OAKWOOD**

**Application for the  
Community Reinvestment Area Program**



BROADWAY AVE

JEDSON  
HALL, LLC  
#26290  
PP#79536004

#26350

PP#79533014

STAG OAKWOOD  
VILLAGE, LLC

GL(BROADWAY  
AVE) PROPCO LLC

#26310  
PP#79533013

JEDSON  
HALL, LLC

APPLE CREEK  
MHC, LLC

#26301  
PP#79533016

GL(THERMO  
FISHER PKWY)  
PROPCO LLC

THERMO FISHER WAY

THERMO  
EBERLINE  
LLC  
#1

ERFIELD  
PERTIES  
LLC

PP#79533003

ORDINANCE NO. 2021-83

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE  
PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT  
TO REAL PROPERTY OWNED BY C2OW LLC, LOCATED IN  
OAKWOOD COMMUNITY  
REINVESTMENT AREA NO. 1**

**WHEREAS,** The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. 1 owned by C2OW qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61 and 2001-22; and

**WHEREAS,** Council must determine the period of such exemption:

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

**SECTION 1.** The C2OW intends a complete, renovation including demolition and rebuilding a portion of the building on 24197 Broadway Avenue. At an estimated cost of \$ 1.75 Million. The finished product will house energy efficient and state-of-the-art finishes, HVAC and electrical systems to provide an exceptional space for the services that will be provided to our Veterans.

It's tenant, the Oakwood Vet Center, will provide a wide range of social and psychological services, including professional readjustment counseling to eligible Veterans, active duty service members, including National Guard and Reserve components, and their families. Readjustment counseling is offered to make a successful transition from military to civilian life or after a traumatic event experienced in the military. Individual, group, marriage and family counseling is offered in addition to referral and connection to other VA or community benefits and services. C2OW counselors and outreach staff, many of whom are Veterans themselves, are experienced and prepared to discuss the tragedies of war, loss, grief and transition after trauma. A manual payroll for staff and counselors is estimated at \$ 500,000.

**SECTION 2.** To the extent that the improvements to the real properties located at 24197 Broadway Ave, also known as Permanent Parcel Number 795-06-012, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. 1, and owned by C2OW or its successor(s) in interest, increase the market value of the real property improvements, such amount shall be and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996-61 and 2001-22, and Section 3735.67(D)(3) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover forty nine percent (49%) of the dollar amount by which the improvements increase the market values of the real property improvements. Any additional development on the balance of Permanent Parcel Number 795-06-012, similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees as well as the abatement application fee shall be waived for the construction of these facilities and items related thereto as and for additional economic incentive to C2OW for its project within the Village of Oakwood, Ohio.



**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years or at any time after the first year of exemption if the Housing Officer finds and certifies delinquency in a payment of property taxes for the subject property or that the subject property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event C2OW or its successor(s) in interest, fail to reconstruct the building indicated in Section 1, within eighteen months of the date of this Ordinance this exemption shall become null and void. If C2OW or its successor(s) in interest shall, for any reason, cease operation of the building contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said real property tax and in the further event abatement from the payment of the new tax is permitted by applicable law, the Village of Oakwood agrees to allow for the substitution of this abatement for an abatement of the new tax in the same proportion and for the remaining duration of the existing abatement provided such substitution is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local School Board.

**SECTION 6.** 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 that the same relates to the daily operation of a municipal department and the provision of economic development and opportunities beneficial to the citizens of the Village of Oakwood, therefore, provided it receives two-thirds (2/3) 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.

\_\_\_\_\_  
Christine Morgan, Council Clerk

\_\_\_\_\_  
Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021-83 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021- 83 was duly posted on the day of \_\_\_\_\_ 2021 and will remain posted in accordance with the Oakwood Village

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED:

**VILLAGE OF OAKWOOD**

**Application for the  
Community Reinvestment Area Program**

79506022

PP#79506008

PP#79506071

PP#795

PP#79505003

OAKWOOD COMMON  
BROADWAY AVE

PP#79506012

PP#79506017

PP#79506068

PP#7

PP#7951

5004

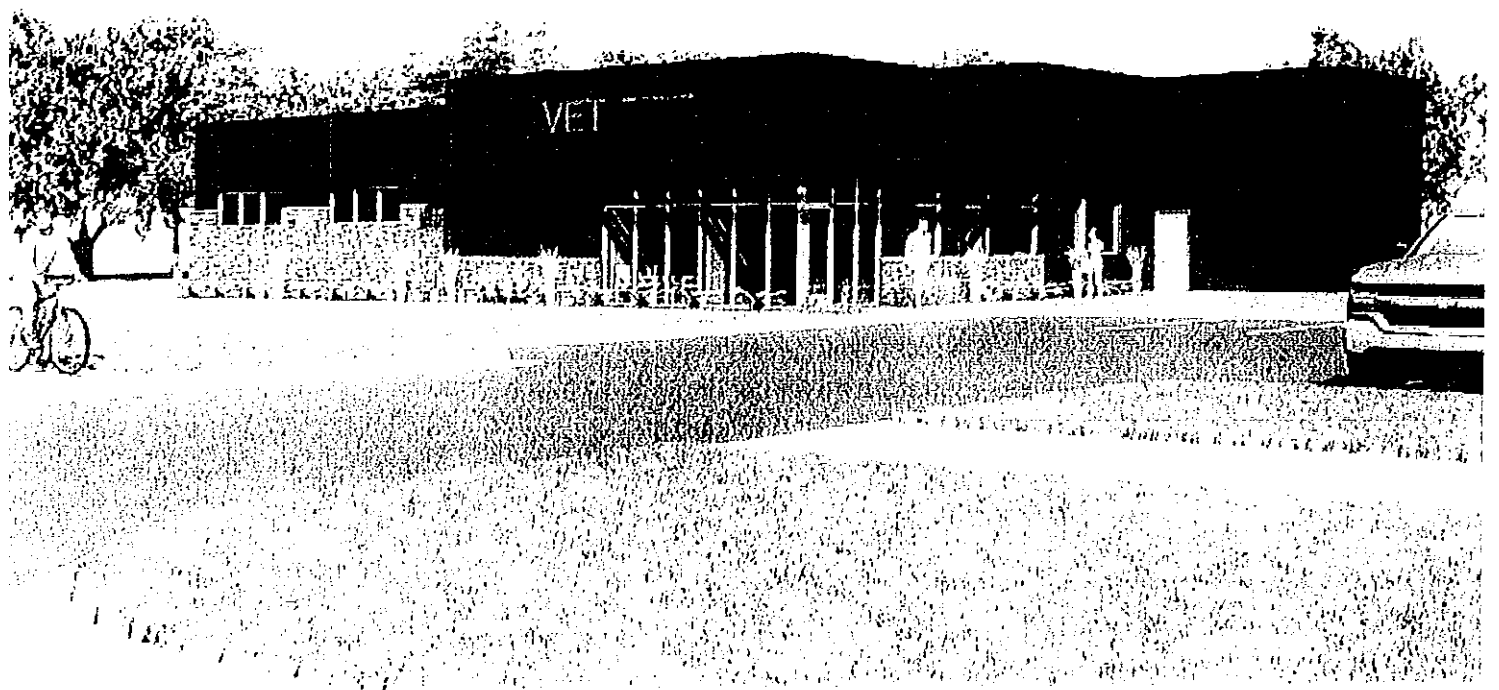
5005

5045

5046

5047

515006



To Codified? Y / N    1st Read \_\_\_\_\_    2nd Read \_\_\_\_\_    3rd Read \_\_\_\_\_ Under Suspension Y/ N

ORDINANCE NO. 2021-84

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE  
AN EMERGENCY 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 VET CENTER  
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 C2OW, LLC. 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 C2OW, LLC. 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.** Copies of this Ordinance shall be posted as required by the Village Charter.

**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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Gary V. Gottschalk, Mayor

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021-84 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_, 2021.



### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021- was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2021, 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 demlined by the Council of the said Village.

## **EXHIBIT A**

### **Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on- site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2021- . All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

Listing of Permanent Parcel Number:      795-17-021

To Codified? Y / N    1st Read    2nd Read \_\_\_\_\_ 3rd Read \_\_\_\_\_ Under Suspension N

ORDINANCE NO. 2021-85

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE  
PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT  
TO REAL PROPERTY OWNED BY OHIO MACHINERY DBA OHIO  
CAT, LOCATED IN OAKWOOD COMMUNITY  
REINVESTMENT AREA NO. 1**

**WHEREAS**, The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. 1 owned by Ohio Machinery, DBA Ohio CAT, qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61 and 2001-22; and

**WHEREAS**, Council must determine the period of such exemption:

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

**SECTION 1.** Ohio Machinery plans to add 18,000 square feet of concrete to expand and renovate the yard which will be abundantly landscaped for screening along with adding three bay door openings/alarm system for better workflow at an approximate cost of \$950,000.

**SECTION 2.** To the extent that the improvements to the real properties located at 7700 Medusa St, also known as Permanent Parcel Number 795-17-021, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. 1, and owned by Ohio Machinery, or its successor(s) in interest, increase the market value of the real property improvements, such amount shall be and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996-61 and 2001-22, and Section 3735.67(D)(3) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover forty-nine percent (49%) of the dollar amount by which the improvements increase the market values of the real property improvements. Any additional development on the balance of Permanent Parcel Number 795-17-021, similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees as well as the abatement application fee shall be waived for the construction of these facilities and items related thereto as and for additional economic incentive to Ohio Machinery, for its project within the Village of Oakwood, Ohio.

**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years or at any time after the first year of exemption if the Housing Officer finds and certifies delinquency in a payment of property taxes for the subject property or that the subject property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event Ohio Machinery or its successor(s) in interest, fail to reconstruct the building indicated in Section 1, within eighteen months of the date of this Ordinance this exemption shall become null and void. If Ohio Machinery or its successor(s) in interest shall, for any reason, cease operation of the building contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said real property tax and in the further event abatement from the payment of the new tax is permitted by applicable law, the Village of Oakwood agrees to allow for the substitution of this abatement for an abatement of the new tax in the same proportion and for the remaining duration of the existing abatement provided such substitution is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local School Board.

**SECTION 6.** 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 that the same relates to the daily operation of a municipal department and the provision of economic development and opportunities beneficial to the citizens of the Village of Oakwood, therefore, provided it receives two-thirds (2/3) 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.

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Christine Morgan, Council Clerk

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Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

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Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021- 85 was duly and regularly passed by this Council at the meeting held on the    day of \_\_\_\_\_ , 2020.

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021- 85 was duly posted on the day of \_\_\_\_\_ 2021 and will remain posted in accordance with the Oakwood Village

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED:

**VILLAGE OF OAKWOOD**

**Application for the  
Community Reinvestment Area Program**

ALEXANDER RD

PP#79517021

#7700

GOAKLEAF RD

MEDUSA RD

OMCO  
BLDG  
CORP

#7800

PP#79527006



To Codified? Y / N 1st Read 6-8-21 2nd Read 6-22-21 3rd Read \_\_\_\_\_ Under Suspension Y / N

ORDINANCE NO. 2021-34

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE**

**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 OHIO CAT 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 Ohio CAT 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 Ohio CAT 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: June 22, 2021

Debra L. Hladky  
Debra L. Hladky, Clerk of Council

Johnnie A. Warren  
Johnnie A. Warren, President of Council

Presented to the  
Mayor June 23, 2021

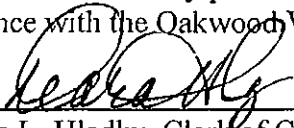
Approved: June 23, 2021  
Gary V. Gottschalk  
Mayor, Gary V. Gottschalk

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. 2021- 34 was duly and regularly passed by this Council at the meeting held on the 22 day of June, 2021.

Debra L. Hladky  
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. 2021-34 was duly posted on the 23 day of June 2021 and will remain posted in accordance with the Oakwood Village Charter.

  
Debra L. Hladky, Clerk of Council

DATED: June 23 2021

## **EXHIBIT A**

### **Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2020 - . All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

Listing of Permanent Parcel Numbers:      795-17-021

To Codified? Y / N    1st Read    2nd Read \_\_\_\_\_ 3rd Read \_\_\_\_\_ Under Suspension N

ORDINANCE NO. 2021-86

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THE  
PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT  
TO REAL PROPERTY OWNED BY T HAWTHORNE VALLEY OH,  
LOCATED IN OAKWOOD COMMUNITY  
REINVESTMENT AREA NO. 1**

**WHEREAS**, The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. 1 owned by T Hawthorne Valley OH, LLC. qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61 and 2001-22; and

**WHEREAS**, Council must determine the period of such exemption:

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

**SECTION 1.** The T Hawthorne Valley OH intends to mostly remodel in the grocery area and a fenced enclosure on the exterior to house refrigeration Weatherpacks for the added refrigeration. The interior sales floor will have a new Shop-in-Dairy/Produce Cooler. This is a nationwide program that Sam's Club has been rolling out starting in 2020. Several of the old outdated meat and dairy cases are being replaced with similar cases. In order to refrigerate the new cooler, the store will need Weatherpack cooling units on steel framing on the left side of the store. There is an existing concrete slab there now that will be expanded about 5 ft to the left. The cost is estimated at \$ 1.2 Million.

**SECTION 2.** To the extent that the improvements to the real properties located at 23300 Broadway Avenue, also known as Permanent Parcel Number 795-05-003, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. 1, and owned by T Hawthorne Valley OH. or its successor(s) in interest, increase the market value of the real property improvements, such amount shall be and hereby is, exempt from real property taxation pursuant to Ordinance 1991-72, as amended by Ordinances 1996-61 and 2001-22, and Section 3735.67(D)(3) of the Ohio Revised Code for a period of fifteen (15) years, beginning in the year following the calendar year of certification of the above to the County Auditor by the Village Housing Officer after the completion of each building. Said exemption shall cover forty nine percent (49%) of the dollar amount by which the improvements increase the market values of the real property improvements. Any additional development on the balance of Permanent Parcel Number 795-05-003, similar in nature to that presently proposed, will be granted similar incentives provided such development occurs within five (5) years of the adoption of this Ordinance. In addition, all tap-in, permit and review fees as well as the abatement application fee shall be waived for the construction of these facilities and items related thereto as and for additional economic incentive to T Hawthorne Valley OH for its project within the Village of Oakwood, Ohio.

**SECTION 3.** The period of said exemption shall terminate before the end of fifteen (15) years or at any time after the first year of exemption if the Housing Officer finds and certifies delinquency in a payment of property taxes for the subject property or that the subject property has not been maintained or repaired due to the negligence of the owner.

**SECTION 4.** In the event T Hawthorne Valley OH or its successor(s) in interest, fail to renovate the building and yard indicated in Section 1, within eighteen months of the date of this Ordinance this exemption shall become null and void. If T Hawthorne Valley OH or its successor(s) in interest shall, for any reason, cease operation of the building contemplated hereunder, it shall reimburse to the County Auditor for proper distribution an amount equal to 100% of the tax incentive dollars it has saved as a result of this Ordinance to the point operations have ceased.

**SECTION 5.** In the event the real property tax, as it is presently constituted, is eliminated by the State of Ohio and if a new tax, in whatever form, replaces said real property tax and in the further event abatement from the payment of the new tax is permitted by applicable law, the Village of Oakwood agrees to allow for the substitution of this abatement for an abatement of the new tax in the same proportion and for the remaining duration of the existing abatement provided such substitution is approved by any governmental entity having jurisdiction over such matters including, but not limited to, the local School Board.

**SECTION 6.** 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 that the same relates to the daily operation of a municipal department and the provision of economic development and opportunities beneficial to the citizens of the Village of Oakwood, therefore, provided it receives two-thirds ( 2 / 3) 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.

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Christine Morgan, Council Clerk

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Johnnie A. Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved: \_\_\_\_\_

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Mayor, Gary V. Gottschalk



I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021-86 was duly and regularly passed by this Council at the meeting held on the    day of \_\_\_\_\_ , 2020.

#### POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021-86 was duly posted on the day of \_\_\_\_\_ 2021 and will remain posted in accordance with the Oakwood Village

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED:

**VILLAGE OF OAKWOOD**

**Application for the  
Community Reinvestment Area Program**

79506022

PP#79506008

PP#79506071

PP#795

PP#79505003

OAKWOOD COMMON  
BROADWAY AVE

PP#79506012

PP#79506017

PP#79506068

PP#7

PP#7951

15004  
15005  
15043  
15046  
15047  
9515006

To Codified? Y / N    1st Read \_\_\_\_\_    2nd Read \_\_\_\_\_    3rd Read \_\_\_\_\_ Under Suspension Y/ N

ORDINANCE NO. 2021- 87

**INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE  
AN EMERGENCY 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 T  
HAWTHORNE VALLEY OH 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 T Hawthorne Valley OH 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 T Hawthorne Valley OH 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.** Copies of this Ordinance shall be posted as required by the Village Charter.

**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.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie Warren, President of Council

Presented to the  
Mayor \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Gary V. Gottschalk, Mayor

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2021- 87 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

## POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2021- 87 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2021, 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 demlined by the Council of the said Village.

## **EXHIBIT A**

### **Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities including, but not limited to, landscaping improvements such as durable plantings and rock formations, multi-purpose trails to encourage on-site walkers, artistic ambient lighting fixtures and cultural facilities in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2021- 87. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.



**EXHIBIT B**

Listing of Permanent Parcel Number: 795-05-003