

## 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 the Mayor to be held December 20, 2022, at 7:00pm to consider the following matters:**

ORD 2022-66 Introduced by Mayor & Council as a whole 1st Reading	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 REFLECTIONS PROPERTIES, LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY
ORD 2022-67 Introduced by Mayor & Council as whole 1 <sup>st</sup> Reading	AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY REFLECTIONS PROPERTIES, LLC, LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1
ORD 2022-68 Introduced by Mayor & Council as a whole 1 <sup>st</sup> Reading	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 OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE 7800 MEDUSA, LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY
ORD 2022-69 Introduced by Mayor & Council as a whole 1 <sup>st</sup> Reading	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 OWNER OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES ESTABLISHING THE EMEK INVESTMENTS, LLC, MUNICIPAL PUBLIC IMPROVEMENTS TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY
ORD 2022-70 Introduced by Mayor & Council as a whole 1 <sup>st</sup> Reading	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 EXCHANGERIGHT NET-LEASE PORTFOLIO 52 DST MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING 2021-87 AND DECLARING AN EMERGENCY

ORD 2022-71

Introduced by Mayor &

Council as a whole

1<sup>st</sup> Reading

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 WMO MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING ORDINANCE 2022-32 AND DECLARING AN EMERGENCY

ORD 2022-72

Introduced by Mayor &

Council as a whole

1<sup>st</sup> Reading

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 C2OW LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING ORDINANCE 2021-84 AND DECLARING AN EMERGENCY

ORD 2022-73

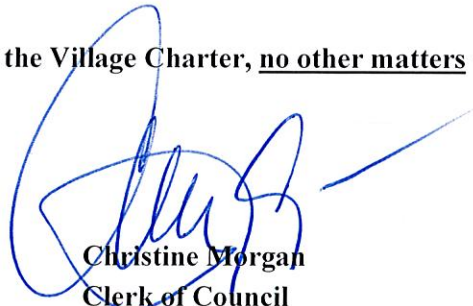
Introduced by Mayor &

Council as a whole

1<sup>st</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 INVESTMENT AREA NO. 1 AND REPEALING ORDINANCE 2021-83

**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 20, 2022  
7:00 p.m.  
AGENDA**

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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 Councilperson	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Paggie Matlock	Fire	Dave Tapp
Ward 4 Councilperson	Mary Davis	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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**4. Legislation**

**ORD 2022-66**

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Council as a whole

1<sup>st</sup> Reading

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Introduced by Mayor &  
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1<sup>st</sup> Reading

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

**ORD 2022-68**

Introduced by Mayor &  
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1<sup>st</sup> Reading

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**ORD 2022-70**

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1<sup>st</sup> Reading

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**5. Adjournment**



## Six Companies in Oakwood receiving Economic Incentives in 2022

EMEK Investment's tenant, **DCOMM**, is among the largest telecom installation and construction contractors in the U.S. providing residential installations, commercial installations, construction, engineering, network installations, network monitoring & ancillary services and will be supporting the NE Ohio Market area out of the Oakwood Village office located at 24370 Broadway Ave. and with the main customer out of this office as of now being Charter Communications/ Spectrum and will have invested \$300,000.00 into improvements on the property site. Receiving a 30-year "Non-school TIF"

Exchangeright's tenant, **SAM's Club**, intends to renovate its facility at 23300 Broadway Ave at the Hawthorne Valley Shopping Center. Receiving a 30-year "Non-school TIF"

With new management, **AGMET** spent almost \$1.0 million in 2022 on repairs and maintenance on existing equipment to streamline and enhance its metal recycling and reclamation operations at their Oakwood Village facility on 7800 Medusa Road. Under its proprietary Recycle 100 philosophy, AGMET is a zero-waste facility and disposes of no materials from its manufacturing process. AGMET anticipates investing more than \$9.0 million over the next five years abiding by strict Ohio EPA standards and continually operating as safely and environmentally conscious as possible. Receiving a 30-year "Non-school TIF"

**Waste Management of Ohio, Inc.**, proposes to build a 32,025 square foot addition to its present operation on Oak Leaf Circle in the Village for purposes of conducting a single stream recycling facility for the recovery of materials including aluminum, plastics, cardboard and other materials at an estimated cost of \$ 5.25 million and thereby creating jobs and employment opportunities for the residents of the Village and Cuyahoga County. Receiving a 30-year "Non-school TIF"

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. Its 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 reference and connection to other VA or community benefits and services. 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. Receiving a 30-year "Non-school TIF" & 15 year "49% CRA"

Reflections Properties plans to renovate the interior of their building at 24262 Broadway Ave. and modernize the exterior look with fresh curb appeal. Its tenant, **Reflections Interior Design**, is a talented team of five certified interior designers - which happen to be all women - with a proven 20-year track record of re-shaping existing spaces and creating new ones with beauty, elegance and harmony which can lead to harmony in the owners lives. Receiving a 30- year "Non-school TIF" & 15 year "49% CRA"

ORDINANCE NO. 2022-66

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 REFLECTIONS PROPERTIES LLC MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the “Act”) provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements (“Public Improvements”) to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, 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 located in the Village (the “Properties”), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Reflections Properties Municipal Public Improvement Tax Increment Equivalent Fund 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 Reflections Properties 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

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

\_\_\_\_\_  
Johnnie 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. 2022-66 is duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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. 2022-66 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

All of the following properties located within the Village:

795-19-022

795-19-034

795-19-036

795-19-021

795-19-037

ORDINANCE NO. 2022-67

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 REFLECTIONS  
PROPERTIES 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 Reflections Properties 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.** Reflections Properties plans to renovate the interior of their building at 24262 Broadway Ave. and modernize the exterior look with fresh curb appeal. Its tenant, **Reflections Interior Design**, is a talented team of five certified interior designers-which happen to be all women-with a proven 20-year track record of re-shaping existing spaces and creating new ones with beauty, elegance and harmony which can lead to harmony in our lives.

**SECTION 2.** To the extent that the improvements to the real properties located at 24262 Broadway Ave, also known as Permanent Parcel Numbers 795-19-022, 795-19-034, 795-19-036, 795-19-021 and 795-19-037 (hereafter "Property"), which are all within the Village of Oakwood and Oakwood Community Reinvestment Area No. 1, and owned by Reflections Properties 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, 2001-22, 2019-09 and Section 3735.67 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 the Property, 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 redevelopment of this facility and items related thereto as and for additional economic incentive to Reflections Properties for the 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 Reflections Properties or its successor(s) in interest, fail to reconstruct the building indicated in Section I, within eighteen months of the date of this Ordinance this exemption shall become null and void. If Reflections Properties 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 propeliy 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: \_\_\_\_\_

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

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

Presented to 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. 2022-67 was duly and regularly passed by this Council at the meeting held on the day of \_\_\_\_\_2022.

\_\_\_\_\_  
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. 2022-67 was duly posted on the day \_\_\_\_\_ of 2022 and will remain posted in accordance with the Oakwood Village

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

DATE: \_\_\_\_\_



ORDINANCE NO. 2022-68

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 7800 MEDUSA LLC MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, With new management, AGMET spent almost \$1.0 million in 2022 on repairs and maintenance on existing equipment to streamline and enhance its metal recycling and reclamation operations at their Oakwood Village facility on 7800 Medusa Road. Under its proprietary Recycle 100 philosophy, AGMET is a zero-waste facility and disposes of no materials from its manufacturing process. AGMET anticipates investing more than \$9.0 million over the next five years abiding by strict Ohio EPA standards and continually operating as safely and environmentally conscious as possible; and

**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, 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 located in the Village (the “Properties”), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the WMO Municipal Public Improvement Tax Increment Equivalent Fund 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 WMO 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

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

\_\_\_\_\_  
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. 2022-68 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
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. 2022-68 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

All of the following properties located within the Village:

795-50-016

795-15-043

795-15-042

795-15-041



ORDINANCE NO. 2022-69

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 EMEK INVESTMENTS LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, EMEK Investment's tenant, DCOMM, is among the largest telecom installation and construction contractors in the U.S. providing residential installations, commercial installations, construction, engineering, network installations, network monitoring & ancillary services and will be supporting the NE Ohio Market area out of the Oakwood Village office located at 24370 Broadway Ave. and with the main customer out of this office as of now being Charter Communications/Spectrum and will have invested \$300,000.00 into improvements on the property site; and

**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, 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 located in the Village (the "Properties"), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the EMEK Municipal Public Improvement Tax Increment Equivalent Fund 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 EMEK 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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. 2022-69 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
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. 2022-69 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

## **EXHIBIT B**

All of the following properties located within the Village:

795-19-023

795-19-024

795-19-030



ORDINANCE NO. 2022-70

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 EXCHANGERIGHT NET-LEASED PORTFOLIO 52 DST MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING ORDINANCE 2021-87 AND DECLARING AN EMERGENCY**

**WHEREAS**, Exchangeright's tenant, SAM's Club, intends to renovate its facility at 23300 Broadway Ave.; and

**WHEREAS**, this Council previously passed Ordinance 2021-87 awarding Tax Increment Financing Incentives to T Hawthorne Valley OH when, in fact, Exchangeright Netleased Portfolio 52 DST is the proper recipient of said incentives; and

**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, 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 located in the Village (the "Properties"), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the Exchangeright Municipal Public Improvement Tax Increment Equivalent Fund 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 Exchangeright 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** Ordinance 2021-87 be and hereby is repealed.

**SECTION 8.** 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

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

\_\_\_\_\_  
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. 2022-70 is duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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. 2022 -70 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

All of the following properties located within the Village:

795-06-017



ORDINANCE NO. 2022-71

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 WMO MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING ORDINANCE 2022-32 AND DECLARING AN EMERGENCY**

**WHEREAS**, Waste Management of Ohio, Inc., proposes to build a 32,025 square foot addition to its present operation on Oak Leaf Circle in the Village for purposes of conducting a single stream recycling facility for the recovery of materials including aluminum, plastics, cardboard and other materials at an estimated cost of \$5.25 million and thereby creating jobs and employment opportunities for the residents of the Village and Cuyahoga County; and

**WHEREAS**, this Council previously passed Ordinance 2022-32 awarding Tax Increment Financing Incentives to Chambers Waste Systems of Ohio d/b/a Waste Management, Inc. when, in fact, Waste Management of Ohio, Inc. is the proper recipient of said incentives; and

**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, 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 located in the Village (the "Properties"), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the WMO Municipal Public Improvement Tax Increment Equivalent Fund 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 WMO 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** Ordinance 2022-32 be and hereby is repealed.

**SECTION 8.** 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

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

\_\_\_\_\_  
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. 2022-71 is duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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. 2022-71 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

All of the following properties located within the Village:

795-50-016

795-15-043

795-15-042

795-15-041

ORDINANCE NO. 2022-72

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 C2OW LLC, MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, REPEALING ORDINANCE NO. 2021-84 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, 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**, this Council previously passed Ordinance No. 2021-84 awarding Tax Increment Financing Incentives to C2OW LLC which legislation contained an incorrect address and Permanent Parcel Number; 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 located in the Village (the “Properties”), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions have 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 "Improvements" 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 Improvements have 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 Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semi-annually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. 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 Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the EMEK Municipal Public Improvement Tax Increment Equivalent Fund 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 EMEK 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 Improvements 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.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** Ordinance No. 2021-84 be and hereby is repealed.

**SECTION 8.** 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 be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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: \_\_\_\_\_

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

\_\_\_\_\_  
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. 2022-72 is duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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. 2022-72 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted for a period of fifteen (15) days thereafter as provided by the Charter and Codified Ordinances of the Village.

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

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

## **EXHIBIT A**

### **The 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 appurtenance, 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. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

**EXHIBIT B**

All of the following properties located within the Village:

795-19-023

795-19-024

795-19-030

ORDINANCE NO. 2022-73

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 AND REPEALING  
ORDINANCE NO. 2021-83**

**WHEREAS**, The Mayor, as Housing Officer, certifies that the improvement to the commercial property in Oakwood Community Reinvestment Area No. I owned by C2OW qualifies for real property tax exemption under Ordinance 1991-72 as amended by Ordinances 1996-61, 2001-22 and 2019-09; and

**WHEREAS**, Council must determine the period of such exemption; and

**WHEREAS**, Council previously passed Ordinance No. 2021-83 making such determination but said Ordinance contained an incorrect address and Permanent Parcel Number:

**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.

Its 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 reference and connection to other VA or community benefits and services. 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.

**SECTION 2.** To the extent that the improvements to the real properties located at 24197 Broadway Ave, also known as Permanent Parcel Number 795-19-020, which is within the Village of Oakwood and within Oakwood Community Reinvestment Area No. I, 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, 2001-22 and 2019-09 and Section 3735.67 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 795-19-020, 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 reconstruction 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 I, 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.** Ordinance No. 2021-83 be and hereby is repealed.

**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 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: \_\_\_\_\_

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

\_\_\_\_\_  
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. 2022-73 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
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. 2022-73 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 and will remain posted in accordance with the Oakwood Village.

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

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