

ORDINANCE NO.: 2007-16
SPONSOR: MAYOR CROGHAN
INTRODUCED: JUNE 12, 2007

ASSIGNED TO: FINANCE

AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY OWNED BY GREEN LAND TRUST, LTD. TO BE A PUBLIC PURPOSE, EXEMPTING A PERCENTAGE OF THE VALUE OF THE IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR THIRTY YEARS, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

City Council makes the following findings and determinations:

- (a) The City adopted Ordinance No. 2003-12 on September 10, 2003, (and amended that Ordinance through Ordinance 2004-03), establishing a tax increment financing program ("TIF Program"), authorizing the City to declare improvements to certain parcels of real property to be a public purpose, requiring the owner, and its successors and assigns, of any structure located on any parcel of real property declared to be a public purpose to make annual service payments in lieu of taxes ("Service Payments") to the Fiscal Officer of Summit County, and providing the City the option to enter into an agreement ("TIF Agreement") with the owner of any structure located on any parcel of real property declared to be a public purpose under the TIF Program.
- (b) Green Land Trust, Ltd. (the "Owner") is the owner of the property identified in the Property Records of Summit County, Ohio, as parcel(s) 28-15469, (legal description attached as Exhibit "B") (the "TIF Property"), located within the boundaries of the City. The Owner will make improvements on the TIF Property (the "Development Improvements").
- (c) The City will acquire, construct, install, and finance certain public infrastructure improvements (the "Public Improvements") in connection with the Development Improvements, which Public Improvements will directly benefit the TIF Property.
- (d) The City will acquire, construct, and install the Public Improvement described in the attached Exhibit "D". The Public Improvements will directly benefit the TIF Property. The City will provide funds for the Public Improvements.
- (e) City Council has, by notice delivered to the Board of Education of the Green Local School District on October 16, 2003, and to the Board of Education of the Portage Lakes Career Center on October 16, 2003, given notice of the City's intent to declare as a public purpose certain improvements to certain parcels of

real property and of the Mayor's authorization to negotiate TIF Agreements under the TIF Program. A copy of Ordinance No. 2003-12 accompanied the notices.

- (f) The Board of Education of the Green Local School District passed a resolution waiving the right to approve exemptions from taxation under Section 5709.43, Revised Code, for any improvements declared to be a public purpose and for any TIF Agreements entered into under the TIF Program on the condition that a compensation agreement be negotiated in accordance with Section 5709.40, Revised Code, and waiving any notice under Section 5709.83, Revised Code.
- (g) The Board of Education of the Green Local School District, on November 17, 2003, entered into a compensation agreement with the City. The City and the Board of Education amended the Compensation Agreement effective January 1, 2006.
- (h) The Board of Education of the Portage Lakes Career Center on October 16, 2003, passed a resolution waiving any notice under Section 5709.83, Revised Code.
- (i) In accordance with Ordinance No. 2003-18, adopted November 25, 2003, City Council established a Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), as a separate fund of the City into which service payments distributed to the city under the TIF program must be deposited.

SECTION TWO:

City Council declares the Development Improvements to the TIF Property to be a public purpose. City Council exempts 100% of the value of these improvements from real property taxation in accordance with the TIF Program and the authority in Section 5709.40, Revised Code, for a period of 30 years.

SECTION THREE:

In accordance with the TIF Program and the authority in R.C. 5709.40, the Owner, and its successors and assigns, will make Service Payments equal to the real property taxes exempted under Section Two. City Council establishes an account in the TIF Fund (A "TIF" Account) as a separate account in the City's Fund. The Service Payments distributed to the City must be deposited into the TIF account and used to finance the public infrastructure improvements described in section 1(d), other public infrastructure improvements benefiting the TIF Property, to distribute to the Green Local School District in an amount as provided in the Compensation Agreement, or, at City Council's discretion, to finance specific public improvements benefiting the Green Local School District.

SECTION FOUR:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION FIVE:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason that the Development Agreement must be immediately effective in order that the employment opportunities may be available to the residents of this City at the earliest possible time. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: July 10, 2007

Molly Kapeluck
Molly Kapeluck, Clerk
Shelley Keller, Acting clerk.

Bruce Manwaring
Bruce Manwaring,
Council President

APPROVED: July 10, 2007

Daniel L. Croghan
Daniel L. Croghan, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE July 10, 2007

ON ROLL CALL: Colopy ya Croce ya France ya Manwaring ya
Padrutt ya Ridgeway ya Smole ya Adopted 7-0

Suburbanite publication on July 16 and July 23

Molly Kapeluck
Molly Kapeluck, Clerk
Shelley Keller, Acting clerk.

Stephen J. Pruneski 6/16/07

DRAFT

May 16, 2007
The Goddard School
2007-16

Exhibit B
Legal Description of Development Property

For: The Goddard School
c/o Green Land Trust, Ltd.
1009 Boettler Road
Uniontown, Ohio 44685

Parcel Number(s): 28-15469

The Development Property

See Page 18 for Legal Description



John R. Donofrio, Summit Fiscal Officer

RECEIVED

GBC DESIGN, INC.

FEB 26 2007

3378 West Market Street Akron, OH 44333-3386
Phone 330-836-0228 Fax 330-836-5782
www.GBCdesign.com

CITY OF GREEN
PLANNING DEPARTMENT

Sy Cymerman, A.I.A.
Gary R. Rouse, P.E., P.S.
John E. Walsh, P.E., P.S.

February 23, 2007

LEGAL DESCRIPTION
Goddard School Lot Split Parcel
Area = 2.0507 Acres

TRANSFERRERD
2007 MAR 28 PM 1:18
JOHN A. GIFFELS
FISCAL OFFICER
SUMMIT COUNTY

NEW
COMBINE
CITY/COUNTY
LEGAL DESCRIPTION
APPROVED BY
GIS

3-28-07
2815469
6200016 A7 004000
Log 1616
GRT, GRT/16
2/2

Situated in the City of Green, County of Summit, State of Ohio and known as being part of the Northwest Quarter of Section 16 of former Green Township, also known as being part of the lands now or formerly owned by Green Land Trust, Ltd. as recorded in Reception #5541963 of the Summit County records and more fully described as follows:

Beginning at the southwesterly corner of Spring Hill Phase One as recorded in Reception #55068101 of the Summit County records;

Thence N 84° 25' 44" W, along the southerly line of said Northwest Quarter of Section 16 of former Green Township, also being the centerline of Boettler Road (C.H. 242) width varies, a distance of 324.00 feet to a point, which is the True Place of Beginning for the parcel of land herein described in the following four courses;

1. Thence continuing N 84° 25' 44" W, along the southerly line of said Northwest Quarter of Section 16 of former Green Township, also being the centerline of said Boettler Road, a distance of 351.04 feet to a point;
2. Thence N 05° 34' 16" E, along a line of new division, passing over a 5/8" capped rebar (GBC Design, Inc.) to be set at 65.00 feet, a distance of 254.50 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;
3. Thence S 84° 25' 44" E, along a line of new division, a distance of 350.95 feet to a 5/8" capped rebar (GBC Design, Inc.) to be set;
4. Thence S 05° 33' 00" W, along a line of new division, passing over a 5/8" capped rebar (GBC Design, Inc.) to be set at 189.50 feet, a distance of 254.50 feet to the True Place of Beginning and containing 2.0507 Acres of land (0.5238 Acres in Right-of-Way), more or less, as surveyed in February, 2007 by Louis J. Giffels Registered Surveyor No. 7790, with GBC Design, Inc., but subject to all legal highways and any restrictions, reservations or easements of record.

*Basis of Bearing for this description is the plat of Spring Hill Phase One as recorded in Reception #55068101 of the Summit County records.

Louis J. Giffels - Reg. No. 7790
City of Green Planning and Zoning Commission
(Date 3 21 07)

Wynne L. With
Planning Director

Approved for in Section 711.131 of the Revised Code,
Subject to Approval for transfer only, no building
shall be permitted. Valid for one hundred eighty (180)
days from the above date



Exhibit D
The Public Improvements

The Public Improvements consist of, but are not limited to, the following:

- (a) The Arlington Road Trunk Sewer Improvements (inclusive of sanitary sewer, sanitary force main, and sanitary laterals).
Total project estimated to cost approximately: \$1,219,764

Project Complete

- (b) The Liberty Green Pump Station.
Total project estimated to cost approximately: \$1,100,000

Project Completed

- (c) Development of a new twenty acre soccer complex.
Total project estimated to cost approximately: \$2,000,000

Construction: 2006 - 2007

- (d) Construction of the Fortuna Drive Extension south of State Route 619 (inclusive of intersection improvements and signalization).
Total project estimated to cost approximately: \$1,370,000

Engineering & Design: 2007
ROW Acquisition: 2007
Construction: 2008

- (e) Upgrade of the intersection at State Route 619 and Arlington Road.
Total project estimated to cost approximately: \$6,000,000

Engineering & Design: 2006 - 2007
ROW Acquisition: 2007
Construction: 2009

- (f) Reconstruction of Arlington Road north of State Route 619 to the northern corporation limit boundary.
Total project estimated to cost approximately: \$6,000,000

Engineering & Design: 2006 - 2007
ROW Acquisition: 2007
Construction: 2009

Public Improvements continued...

- (g) Reconstruction of roadways within Interstate Business Park (inclusive of storm water collection system and sidewalks).

Total project estimated to cost approximately: \$1,750,000

Engineering & Design: 2007
ROW Acquisition: 2007 - 2008
Construction: 2010

- (h) Boettler Road Sidewalk Project to add sidewalks between Tabs Drive and the Spring Hill Mixed-use Development at the corner of South Arlington and Boettler Road.

Total project estimated to cost approximately: \$350,000

Engineering & Design: 2006
ROW Acquisition: 2006
Construction: 2007