

**ORDINANCE NO.:** 2007-4  
**SPONSOR:** MAYOR CROGHAN  
**INTRODUCED:** APRIL 10, 2007

**ASSIGNED TO:** FINANCE

**AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY OWNED BY ARLINGTON RIDGE MARKETPLACE, LLC 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) Arlington Ridge Marketplace, LLC (the "Owner") is the owner of the property identified in the Property Records of Summit County, Ohio, as parcel(s) 28-15458, (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: MAY 8, 2007  
Molly Kapeluck  
Molly Kapeluck, Clerk

Bruce Manwaring  
Bruce Manwaring  
Council President

APPROVED: MAY 8, 2007  
Daniel L. Croghan  
Daniel L. Croghan, Mayor

COPIED \_\_\_\_\_  
SVCE ZONE PARK ROAD ENG  
LAW (FIN) (MAY) (PLAN) FIRE

ENACTED EFFECTIVE: MAY 8, 2007

ON ROLL CALL: Colopy-YEA Croce -YEA France -YEA Manwaring -YEA  
Padrutt-YEA Ridgeway-YEA Smole -YEA ADOPTED 7-0.

Suburbanite publication on MAY 14 and MAY 21, 2007  
Molly Kapeluck  
Molly Kapeluck, Clerk

DRAFT

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April 4, 2007

Arlington Ridge Marketplace Retail Plaza

**Exhibit B**  
**Legal Description of Development Property**

For: Arlington Ridge Marketplace, LLC

Parcel Number(s): 28-15458

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Development Property

PROVIDE/INSERT LEGAL DESCRIPTION OF PARCEL(S)

Parcel # 28-15458  
**COPY**  
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LOT 1  
10.714 ACRES LOT  
NORTH OF MOORE ROAD  
WEST OF ARLINGTON ROAD

Situated in the State of Ohio, County of Summit, City of Green, being a part of Fractional Section No. 5, Range 9, Township 12, Congress Lands, and being 10.714 acres of land located in an original 23.4569 acre tract as described in a deed to 361 Broadway Corp., of record in Vol. 4711, Page 633, all records referenced are on file at the Recorder's Office, Summit County, Ohio, said 10.714 acres being more particularly described as follows:

Commencing for reference at a 1" iron pin found with no cap in a monument box assembly located at the intersection of the centerline of South Arlington Road and the centerline of Moore Road, being the southeasterly corner of said 23.4569 acre tract, and the southeasterly corner of Fractional Section Number 5;

Thence North 87°24'31" West, along the centerline of the said Moore Road, along the southerly line of the said 23.4569 acre tract, and the southerly line of Fractional Section Number 5, a distance of 30.00 feet to the southeasterly corner of that tract of land as described in a deed to Board of Summit County Commissioners, of record in Volume 4671, Page 379;

Thence crossing into the said 23.4569 acre tract by the following three (3) described courses:

1. North 02°22'41" East, along the easterly line of the said Board of Summit County Commissioners tract, a distance of 55.09 feet to an iron pin set at the **True Place of Beginning**;
2. Along the arc of a non-tangent curve to the right, along the northerly right-of-way line of said Moore Road, and the northerly line of the said Board of Summit County Commissioners tract, said curve having a radius of 25.00 feet, a central angle of 90°12'48", and an arc length of 39.36 feet to an iron pin set at a point of tangency, said curve being subtended by a chord bearing South 47°29'05" West, a chord distance of 35.42 feet;
3. North 87°24'31" West, along the northerly right-of-way line of the said Moore Road, along the northerly line of the said Board of Summit County Commissioners tract, a distance of 977.04 feet to an iron pin set at the northwesterly corner of the said Board of Summit County Commissioners tract, being in the westerly line of the said 23.4569 acre tract and the easterly line of a 2.893 acre tract as described in a deed to Marilyn Beth Konicky, of record in Instrument Number 54268568;

Thence North 02°07'26" East, along the westerly line of the said 23.4569 acre tract, along the easterly line of the said 2.893 acre tract, a distance of 440.69 feet to an iron pin set;

Thence crossing the said 23.4569 acre tract by the following twelve (12) described courses:

1. South 87°22'36" East, a distance of 201.79 feet to an iron pin set;
2. North 02°37'24" East, a distance of 9.92 feet to an iron pin set;
3. South 87°22'36" East, a distance of 243.71 feet to an iron pin set;
4. South 23°01'06" West, a distance of 80.48 feet to an iron pin set;

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5. South 87°22'36" East, a distance of 326.67 feet to an iron pin set;
6. North 02°37'24" East, a distance of 77.09 feet to an iron pin set;
7. South 87°22'36" East, a distance of 42.00 feet to an iron pin set;
8. North 02°37'24" East, a distance of 189.91 feet to an iron pin set;
9. South 87°22'36" East, a distance of 166.88 feet to an iron pin set at a point of curvature;
10. Along the arc of a curve to the right, said curve having a radius of 29.32 feet, a central angle of 89°45'17", and an arc length of 45.93 feet to an iron pin set at a point of tangency, said curve being subtended by a chord bearing South 42°29'57.5" East, a chord distance of 41.38 feet;
11. South 02°22'41" West, a distance of 9.62 feet to an iron pin set;
12. South 87°37'19" East, along a line perpendicular to the centerline of South Arlington Road, a distance of 21.02 feet to an iron pin set in the westerly right-of-way line of South Arlington Road;
13. South 02°22'41" West, along the westerly right-of-way line of South Arlington Road, a distance of 577.77 feet to the **True Place of Beginning** and containing an area of 10.714 acres.

The bearings described herein are based on a bearing of North 87°24'31" West for the centerline of Moore Road, as described in a deed to 361 Broadway Corp., of record in Volume 4711, Page 633, on file at the Recorders Office, Summit County, Ohio.

The foregoing description has been prepared from an actual field survey of the premises by ms consultants, inc. under the direct supervision of John L. Price, registered professional surveyor no. 7159 and from a survey prepared by Hammontree & Associates, LTD. dated February 2, 2006, and from record documents on file at the Recorder's Office, Summit County, Ohio. Iron pins referenced as being set are 5/8" by 30" long rebar with yellow plastic caps stamped "ms consultants - 7159".



ms consultants, inc.

*John L. Price* 9/1/06  
 John L. Price  
 Registered Professional Surveyor No. 7159

Approved by the City of Green Planning and Zoning Commission  
 (No Plot Required) (Date: 9-28-06)

*Wayne H. Watts*  
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 Planning Director

**Exhibit D**  
**The Public Improvements**

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

- (a) Reconstruction of Arlington Road north of State Route 619 to the northern corporation limit boundary (inclusive of the Terms Sheet between Arlington Ridge Marketplace, LLC and the City of Green dated September 27, 2006).

Total project estimated to cost approximately: \$6,000,000

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

- (b) 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

- (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) 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