

**ORDINANCE NO.:** 2012-25 (AMENDED OCTOBER 23, 2012)  
**SPONSOR:** MAYOR NORTON  
**INTRODUCED:** OCTOBER 9, 2012

**ASSIGNED TO:** PLANNING

**AN ORDINANCE DECLARING A PORTION OF IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY OWNED BY CAM GREEN 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) CAM Green LLC ("Owner"), has purchased property identified in the map attached as Exhibit "A" and the 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"), as described in Exhibit "C".
- (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) CAM Green LLC will acquire, construct, and install the Public Improvement described in the attached **AMENDED** Exhibit "D". The Public Improvements will directly benefit the TIF Property. The City will provide funds to reimburse CAM Green LLC 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.

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- (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 Thirty (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.

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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: Nov. 13, 2012

Molly Stevens  
Molly Stevens, Clerk

Joel Reed  
Joel Reed, Council President

APPROVED: Nov. 13, 2012

Richard G. Norton  
Richard G. Norton, Mayor

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

ENACTED EFFECTIVE: Nov. 13, 2012

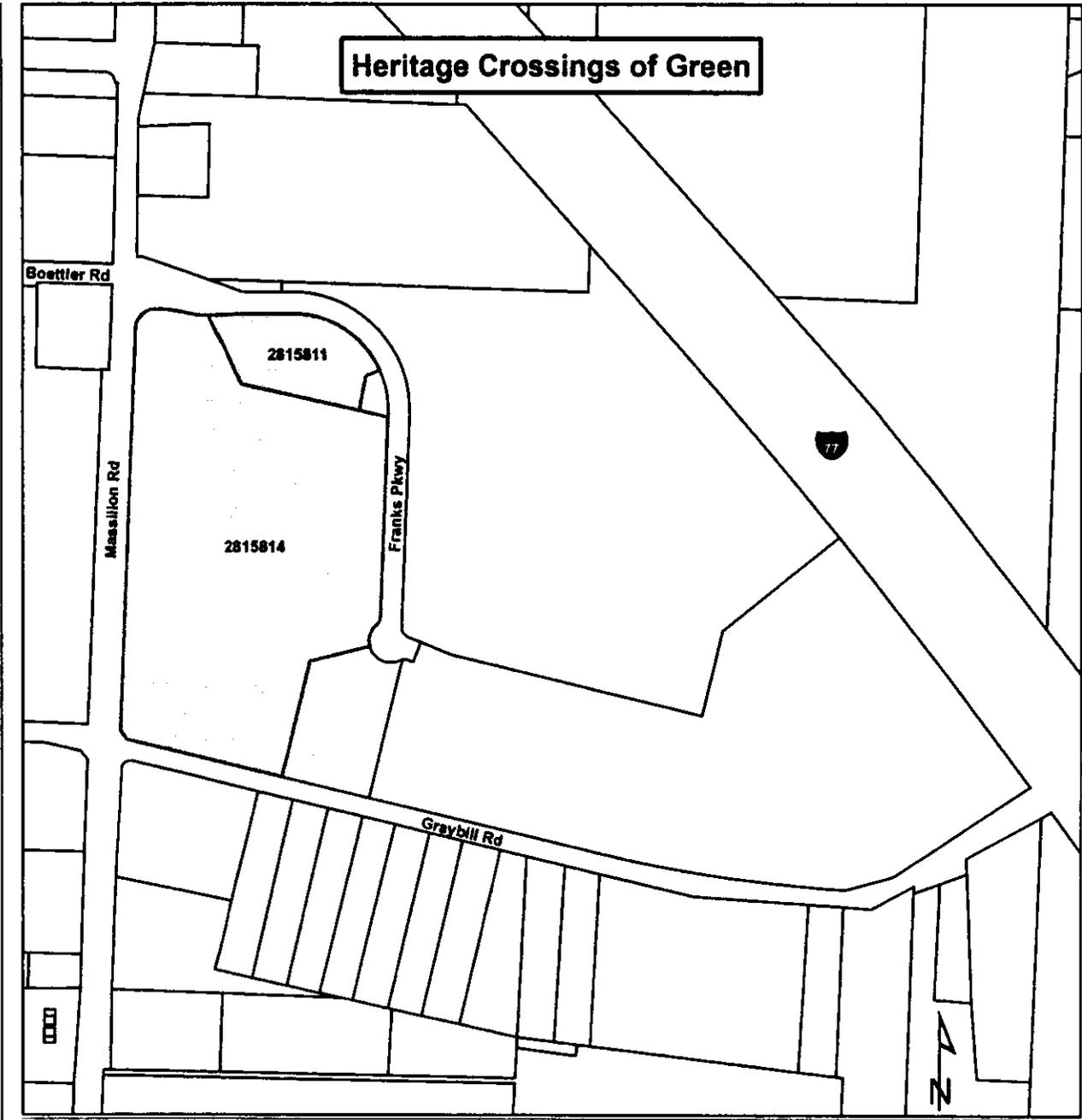
ON ROLL CALL: Colopy -yes France -yes Humphrey -yes Knodel -yes  
Neugebauer -yes Reed -yes Summerville -yes Adopted 7.0

Suburbanite publication on Nov. 18 and Nov 25, 2012

Molly Stevens  
Molly Stevens, Clerk

10/23/2012 Approved as to form and content by Stephen J. Pruneski, Law Director SP 10/23/12

**Exhibit A**  
**Map of Development Property**



**Exhibit B**  
**Legal Description**

For: Heritage Crossings of Green

Parcel Number: 2815811  
Parcel Size: approximately 2 acres  
Legal Description: Heritage Crossings of Green Phase I Lot 1  
Current Owner: CAM Green LLC

Parcel Number: 2815814  
Parcel Size: approximately 16.6 acres  
Legal Description: Heritage Crossings of Green Phase I Block B  
Current Owner: CAM Green LLC

**Exhibit C**  
**Development Improvements**

The Development Improvements consist of the following:

Parcel Number 2815811

- (a) A 2.0 acre parcel for proposed commercial use. Future real property investment is estimated to be \$2,000,000.00.

Parcel Number 2815814

- (a) Development of a 16.6 acre parcel for commercial uses. The project will include the development of a 74,000 sq. ft. grocery store and 31,850 sq. ft. of retail/restaurant space. Total real property investment is anticipated to be approximately \$20,000,000.00.

