

## ORDINANCE \_\_\_\_\_

DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF GAHANNA, OHIO TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT THE PARCELS; AND DECLARING AN EMERGENCY

**WHEREAS**, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “TIF Statutes”) authorize this Council, by ordinance, to implement a tax increment financing program to facilitate the development of certain real property within the corporate boundaries of the City of Gahanna, Ohio (the “City”), and declare the improvement to each parcel of real property located within the Parcels (defined below) to be a public purpose and exempt from taxation, require the owner of each Parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, Parcels; and

**WHEREAS**, pursuant to a Development Agreement dated \_\_\_\_, 2021, among the City, Crescent at Central Park, LLC, CP Crescent, LLC, and Andre M. Buckles, the City anticipates that the parcels of real property specifically identified and depicted in Exhibit A attached hereto (with each of those parcels referred to herein individually as a “Parcel” and collectively as the “Parcels”) will be developed into a cohesive mixed use development, including approximately 240 multi-family units with related amenities and improvements thereto, in addition to various other improvements to be used for commercial purposes; and

**WHEREAS**, this Council has determined to declare the improvements to the Parcels to be a public purpose; and

**WHEREAS**, this Council has determined to provide for the acquisition or construction of public infrastructure improvements described in Exhibit B attached hereto (the “Public Infrastructure Improvements”), which Public Infrastructure Improvements, once made, will directly benefit the Parcels; and

**WHEREAS**, notice of this proposed ordinance (the “Ordinance”) has been delivered to the Boards of Education of Gahanna-Jefferson City School District and the Eastland-Fairfield Career & Technical Schools in accordance with and within the time period prescribed in Section 5709.83 of the Ohio Revised Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Gahanna, County of Franklin, State of Ohio, that:

**SECTION 1. Parcels.** The parcels of real property subject to the exemption granted by this Ordinance are identified and depicted in Exhibit A attached hereto (with each of those parcels referred to herein individually as a “Parcel” and collectively as the “Parcels”).

**SECTION 2. Public Infrastructure Improvements.** This Council designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

**SECTION 3. Authorization of Tax Exemption; Priority of Exemptions.** Pursuant to and in accordance with the provisions of Section 5709.40(B) of the Ohio Revised Code, this Council declares that one-hundred percent (100%) of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement,” as defined in Section 5709.40(A) of the Ohio Revised Code) is a public purpose and exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure would first appear on the tax list and duplicate of real and public utility property for that Parcel were it not for the exemption granted in this Ordinance and ends on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. Notwithstanding the foregoing, the City intends that for any Parcel which is included within the boundaries of a Community Reinvestment Area (the “CRA”) pursuant to relevant provisions of the Ohio Revised Code such that the Parcel has the right to a partial or full abatement of real property taxes for some period of time, the real property tax exemption provided by the CRA shall have priority over the tax exemption being created by and through this ordinance, while such CRA exemption remains effective.

**SECTION 4. Service Payments and Property Tax Rollback Payments.** Pursuant to Section 5709.42 of the Ohio Revised Code, and subject to and subordinate to a tax exemption provided by an approved CRA on a Parcel which applies due to the location of the Parcel within a CRA, this Council directs and requires the owner of each Parcel to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the Franklin County Treasurer (the “County Treasurer”) on or before the final dates for payment of real property taxes. Each service payment in lieu of

taxes, including any penalties and interest at the then current rate established under Sections 323.121 and 5703.47 of the Ohio Revised Code (collectively, the “Service Payments”), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not subject to the exemption granted in this Ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), will be allocated and distributed in accordance with Section 6 of this Ordinance.

**SECTION 5. Tax Increment Equivalent Fund.** This Council establishes, pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Crescent Park Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), into which the County Treasurer will deposit the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels and not required to be distributed to the Gahanna-Jefferson City School District and Eastland-Fairfield Career & Technical Schools pursuant to Section 6 of this Ordinance. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Statutes and this Ordinance. The TIF Fund will exist so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City’s General Fund, all in accordance with Section 5709.43 of the Ohio Revised Code.

**SECTION 6. Distribution of Funds.** Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to each of the Gahanna-Jefferson City School District and the Eastland-Fairfield Career & Technical Schools, an amount equal to the respective amount each school district would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the Parcels if the Improvement had not been exempt from taxation pursuant to this Ordinance; and
- (ii) to the City, all remaining amounts for further deposit into TIF Fund for payment of costs of the Public Infrastructure Improvements, including debt service on any securities issued to finance those costs.

**SECTION 7.** Development Agreement. Pursuant to Ordinance No. ORD-025-2021, approved by this Council on April 19, 2021, the City has entered into a Development Agreement dated \_\_\_, 2021 among the City, Crescent at Central Park, LLC, CP Crescent, LLC, and Andre M. Buckles (the “Development Agreement”). Distribution of funds from the TIF Fund for Public Infrastructure Improvements shall be made in accordance with the Development Agreement.

**SECTION 8.** Further Authorizations. This Council authorizes and directs the Mayor or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the owner of each Parcel. This Council further authorizes and directs the Mayor or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

**SECTION 9.** Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

**SECTION 10.** Effective Date. That, for the reasons set forth in the preamble hereinabove, this Ordinance is declared emergency legislation and shall be in full force and effect immediately upon passage by this Council and on date of signature approval by the Mayor.

[INSERT SIGNATURE BLOCKS]

## EXHIBIT A

### IDENTIFICATION AND MAP OF THE PARCELS

The outlined area on the following map specifically identifies and depicts the Parcels and constitutes part of this Exhibit A. The tax parcel numbers are:

025-013767-00

025-013774-00

as of June 10, 2021, and are included for ease of reference only.



## EXHIBIT B

### PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements consist of any “public infrastructure improvement” defined under Section 5709.40(A)(8) of the Ohio Revised Code and that directly benefits the Parcels and all related costs of permanent improvements (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code):

- **Parks.** Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, together with all appurtenances thereto;
- **Roadways.** Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, intersections, bridges (both roadway and pedestrian), sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing signage (including traffic signage and informational/promotional signage), lighting systems, signalization, and traffic controls, and all other appurtenances thereto, including, but not limited to, construction of a new public street northward from Tech Center Drive;
- **Streetscape/Landscape.** Construction or installation of streetscape and landscape improvements including trees, tree grates, signage, curbs, sidewalks, scenic fencing, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto, including, but not limited to streetscape improvements in conjunction with and along the roadway improvements described in “Roadways” above;
- **Water/Sewer.** Construction, reconstruction or installation of public utility improvements (including any underground municipally owned utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto;
- **Stormwater.** Construction, reconstruction and installation of stormwater and flood remediation projects and facilities, including such projects and facilities on private property when determined to be necessary for public health, safety and welfare;
- **Real Estate.** Acquisition of real estate or interests in real estate (including easements) (a) necessary to accomplish any of the foregoing improvements or (b) in aid of industry, commerce, distribution or research; and
- **Professional Services.** Engineering, consulting, legal, administrative, and other professional services associated with the planning, design, acquisition, construction and installation of the foregoing improvements and real estate.