

ORDINANCE NO. 2003-137

DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF MASON, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40 OF THE OHIO REVISED CODE, EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A TAX INCENTIVE AGREEMENT, A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.

WHEREAS, Section 5709.40 et seq. of the Ohio Revised Code authorizes municipal corporations to participate in a financing technique commonly known as tax increment financing; and

WHEREAS, this Council wishes to use the authority granted pursuant to such Sections in connection with certain improvements in the City in order to meet the public health, safety, welfare and convenience needs of the area, including new development and traffic capacity;

WHEREAS, notice has been given to the Mason City School District of the consideration of a resolution providing for tax increment financing, as required by Section 5709.40 of the Ohio Revised Code, and this Council and the Mason City School District have agreed to enter into a Tax Incentive Agreement with respect to the property which is exempted under Section 5709.40; and

WHEREAS, the Mason City School District has by resolution adopted on October 14th, 2003 a tax incentive agreement approving tax increment financing and exemption from real property taxes for twenty (20) years up to 100% of the further improvements on the property described in Exhibit A attached hereto and waived their right to the forty-five (45) business days notice prior to the adoption of this Resolution;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Warren County, State of Ohio, seven members elected thereto concurring:

SECTION 1. That this Council hereby finds and declares that certain public improvements in the City, to wit: the planning, design and construction of public street improvements including pavements, walkways, bike paths, traffic control devices and alterations to existing streets; the planning, design and construction of utilities including but not limited to water, sanitary sewers, gas mains, electric facilities, communication facilities, storm water sewers and detention facilities; the preparation of plans for land use in the area; the creation or enhancement of buffer areas, recreation facilities and open areas necessary for ensuring the compatibility of adjacent land uses; the creation and/or enhancement of public service facilities and operations; and, the purchase of property rights of way and easements or other rights in property necessary for the completion of the Public Improvements listed above, are a public purpose and that those Public Improvements are necessary for the further development of the parcels of land described in Exhibit A attached to this Ordinance (such parcels are hereinafter collectively referred to as the "Commerce West TIF District"), but excluding any and all residential property located within Exhibit A, which parcels are located in the incorporated area of the City; for the creation of jobs; increasing property values, and the provision of adequate public services in the City of Mason. The further development of the parcels in the Commerce West TIF District will place direct additional demand on the Public Improvements.

SECTION 2. That, pursuant to Section 5709.40 of the Ohio Revised Code, further improvements to the parcels in the Commerce West TIF District occurring after the date of this Resolution are exempt from real property taxation commencing on the effective date of this Resolution and ending on the earlier of (1) December 31, 2023 or (2) the date on which the specific public improvements as described in Section 1 above (the "Public Improvements") that will benefit the Commerce West TIF District are paid in full from the Tax Increment Equivalent Fund, as defined in Section 4 hereof, but in no case shall the Public Improvements be exempted from taxation for more than twenty (20) years. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion

shall be 100% of the assessed value of the Improvements, and (iii) the Public Improvements directly benefit, or once made will directly benefit, the Commerce West TIF District.

SECTION 3. That pursuant to Section 5709.42 of the Ohio Revised Code, the owner or the owners of the Improvements shall be required to make annual service payments in lieu of taxes (the "Service Payments") to the Warren County Treasurer on or before the final dates for payment of real property taxes. This Council hereby expresses its intention and authorizes the City Manager to enter into such agreements as may be necessary and appropriate to assure the payment of such Service Payments.

SECTION 4. That pursuant to Section 5709.43 of the Ohio Revised Code, there is hereby established the City of Mason Public Improvement Tax Increment Equivalent Fund (the "Tax Increment Equivalent Fund"), into which the Service Payments shall be deposited. Money in the Tax Increment Equivalent Fund shall be used to finance the Public Improvement and to make payments to the Mason City School District if said School District and the City should enter into a Tax Incentive Agreement with respect to the Commerce West TIF District. This council hereby authorizes the City Manager to enter and execute such Tax Incentive Agreement providing for compensation to the Mason City School District.

SECTION 5. That the Clerk is hereby directed to forward a copy of this Ordinance to the County Auditor of Warren County.

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

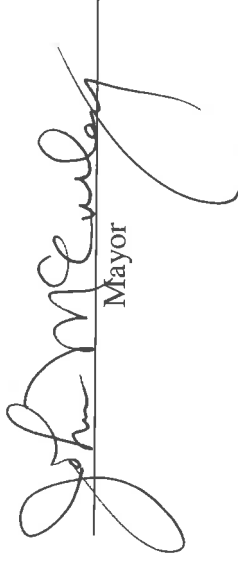
SECTION 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: November 24, 2003.

Attest:



Clerk of Council



Mayor