

**ORDINANCE NO. 2011-61**

**DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF MASON, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) 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 AND DECLARING AN EMERGENCY.**

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the "TIF Statutes") authorize municipalities to utilize a financing technique commonly known as tax increment financing ("TIF"); and

WHEREAS, the City Council (the "Council") of the City of Mason, Ohio (the "City") wishes to use the authority granted pursuant to such TIF Statutes 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; and

WHEREAS, this Council has determined to grant a property tax exemption for the parcels comprising the City of Mason Everybody's TIF (the "Everybody's TIF"); and

WHEREAS, the boundary of the Everybody's TIF shall be coextensive with the boundary of, and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto (each, individually, a "Parcel" and collectively, the "Parcels");

WHEREAS, notice has been given to the Mason City School District of the consideration of an ordinance granting a tax increment property tax exemption, 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 will be exempted under Section 5709.40; and

WHEREAS, the Mason City School District has by resolution adopted May 31<sup>st</sup>, 2011 approved the tax increment financing exemption from real property taxes for thirty (30) 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 Ordinance;

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

**SECTION 1.** Pursuant to Section 5709.40(B) of the Ohio Revised Code, this Council hereby creates the "Everybody's TIF", the boundaries of which shall be coextensive with the boundaries of the Parcels and shall include the Parcels as specifically identified and depicted in Exhibit A attached hereto, which Parcels are located in the incorporated area of the City.

**SECTION 2.** 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 necessary for the further development of the parcels of land described in Exhibit A attached to this Ordinance 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 Everybody's TIF Area will place direct additional demand on the Public Improvements.

**SECTION 3.** That, pursuant to Section 5709.40 of the Ohio Revised Code, further improvements to the parcels in the Everybody's TIF Area occurring after the date of this Ordinance are hereby declared to be a public purpose and are exempt from real property taxation commencing for each parcel, with the first tax year that begins after the effective date of this Ordinance and in which an improvement resulting from the construction of a structure on that parcel first appears on the tax duplicate of real and public utility property and ends on the earlier of (i) 30 years after such date or (ii) the date on which the City can no longer require service payments to be paid on the improvements, all in accordance with the requirement of the TIF Statutes, or (iii) the date on which the specific improvements are paid in full from the Tax Increment Equivalent Fund, as defined in Section 5 hereof, but in no case shall the improvements on each parcel be exempted from taxation for more than thirty (30) 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 Everybody's TIF Area.

**SECTION 4.** 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 5.** 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 Everybody's 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 6.** That the proper city officials are hereby authorized to do all things necessary and proper to carry out Sections 1 through 5 above, including but not limited to filing any required applications for tax exemption with the Warren County Auditor and/or State Tax Commissioner.

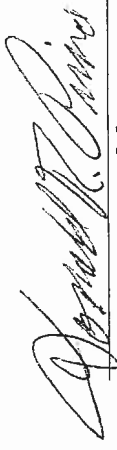
**SECTION 7.** That the Clerk is hereby directed to forward a copy of this Ordinance to the County Auditor of Warren County.

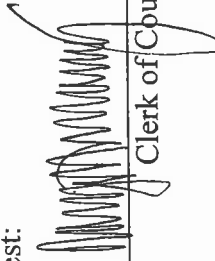
**SECTION 8.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk is hereby directed to deliver a copy of Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth herein remains in effect, the Economic Development Director or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 9.** 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 10.** That this Ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its adoption for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City for the reason that the City must proceed with the construction of certain of the improvements at the earliest possible date.

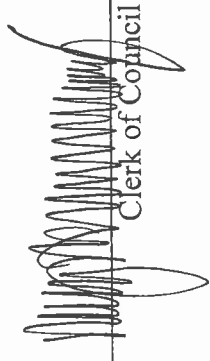
PASSED: June 13<sup>th</sup>, 2011.

  
\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
Clerk of Council

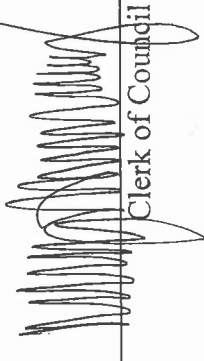
CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 2011 - 61.

  
\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the county auditor.

  
\_\_\_\_\_  
Clerk of Council

Dated: June 27, 2011

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

  
\_\_\_\_\_  
County Auditor

Dated: 6.29, 2011

EXHIBIT A

**Description of Property to be Exempted**