

REQUESTED BY
FORTE - LARSON- NOVAK - BROWN
POLIVKA - SAFFOLD - MACH - COLBERT
RUCKER - SFERRA

LAW DEPARTMENT
DRAFT NO. 3685

TITLE

ORDINANCE DECLARING THE IMPROVEMENT TO REAL PROPERTY WITHIN THE CITY TO BE A PUBLIC PURPOSE; EXEMPTING ONE HUNDRED PERCENT OF THE VALUE OF SUCH IMPROVEMENT FROM REAL PROPERTY TAXATION FOR A PERIOD OF THIRTY YEARS; REQUIRING THE OWNERS OF SUCH PROPERTY TO MAKE ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIOD OF EXEMPTION; AUTHORIZING THE COUNTY TREASURER TO PAY A PORTION OF THE SERVICE PAYMENTS IN LIEU OF TAXES TO THE WARREN CITY SCHOOL DISTRICT AND THE TRUMBULL CAREER AND TECHNICAL CENTER; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT SUCH PROPERTY; DETERMINING THAT SATISFACTORY PROVISION HAS BEEN MADE FOR THE PUBLIC INFRASTRUCTURE IMPROVEMENT NEEDS OF SUCH PROPERTY; INCLUDING ADDITIONAL IMPROVEMENTS TO BE MADE IN SUPPORT OF URBAN REDEVELOPMENT WITHIN THE CITY; ESTABLISHING THE DOWNTOWN PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE SERVICE PAYMENTS; APPROVING RELATED MATTERS; AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12728/17

WHEREAS, Sections 5709.40(B), 5709.42 and 5709.43, Ohio Revised Code ("R.C.") (collectively, the "TIF Statutes") authorize this Council to utilize municipal tax increment financing to declare the increase in assessed value of certain parcels of real property located within the City of Warren, Ohio (the "City") that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance were it not for the exemption granted by this Ordinance (referred to in this Ordinance, as in R.C. Section 5709.40(A)(4), as the "Improvement") to be a public purpose and exempt from taxation, require the owner of each parcel of real property to make annual service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of such 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, those parcels; and

WHEREAS, the parcels of real property specifically identified and depicted in Exhibit A attached hereto (each such parcel individually, a "Parcel," and collectively, the "Property") are located in the City, and this Council has determined to declare the Improvement to the Property to be a public purpose; and

WHEREAS, pursuant to R.C. Section 5709.40(B), this Council has determined it necessary, appropriate and in the best interest of the City to exempt from taxation 100% of the Improvement to the Property for a period of 30 years (the "TIF Exemption") and to simultaneously direct and require the current and future owner(s) (each such owner individually, an "Owner," and collectively, the "Owners") of each Parcel comprising the Property to make annual service payments in lieu of taxes in the same amount as they would have made real property tax payments except for the TIF Exemption; and

WHEREAS, pursuant to R.C. Section 5709.43(A), this Council has determined to establish a municipal public improvement tax increment equivalent fund, in which there shall be deposited service payments in lieu of taxes distributed to the City as provided herein; and

WHEREAS, the City intends to cause the County Treasurer of Trumbull County, Ohio (the "County Treasurer") to pay a portion of the service payments in lieu of taxes to each of the Warren City School District and the Trumbull Career and Technical Center in amounts equal to the amount of real property taxes each of the Warren City School District and the Trumbull Career and Technical Center would have received had this Ordinance not been adopted; and

WHEREAS, this Council has determined to provide for the construction of public infrastructure improvements described in Exhibit B attached hereto (the "Public Infrastructure Improvements") that once made, will directly benefit the Property; and

WHEREAS, notice of this proposed Ordinance has been delivered to the Board of Education of the Warren City School District and the Board of Education of the Trumbull Career and Technical Center in accordance with and within the time periods prescribed in R.C. Sections 5709.40(D)(2) and 5709.83; and

WHEREAS, Section 6 of House Bill 384, enacted by the 131st General Assembly and effective April 5, 2017, authorizes the legislative authority of an impacted city, as defined in R.C. Section 1728.01, to include a determination in an ordinance adopted under R.C. Section 5709.40(B) that satisfactory provision has been made for the public improvement needs of the parcels identified in the ordinance and specify other improvements to be made that do not directly benefit the parcels identified in the ordinance but that are in support of urban redevelopment within the meaning of R.C. Section 5709.41; and

WHEREAS, this City is an impacted city, as defined in R.C. Section 1728.01, and this Council is making a determination that satisfactory provision has been made for the Public Infrastructure Improvements of the Property as identified in Exhibit B; and

WHEREAS, the City desires to make other improvements that do not directly benefit the Property but that are in support of urban redevelopment within the meaning of R.C. Section 5709.41; and

WHEREAS, this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, property and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that investment and construction may commence as soon as possible to provide for the urban redevelopment, the creation of jobs and economic opportunities, which are vitally needed to enhance revenues for the City and to improve the economic welfare of the people.

NOW, THEREFORE, Be It Ordained by the Council of the City of Warren, Ohio that:

- Section 1.** Authorization of Tax Exemption. Pursuant to and in accordance with R.C. Section 5709.40(B), this Council hereby finds and determines that 100% of the increase in assessed value of each Parcel of the Property as identified on Exhibit A attached hereto, subsequent to the effective date of this Ordinance (referred to in this Ordinance, as in R.C. Section 5709.40(A)(4) as the "Improvement") is hereby declared to be a public purpose, and that the Improvement to each Parcel of the Property shall be exempt from taxation for a period commencing for each Parcel of the Property with the first tax year that begins after the effective date of this Ordinance and in which an Improvement to each Parcel of the Property first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) 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.
- Section 2.** Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated as such 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 Property.
- Section 3.** Remote Improvements. Pursuant to the TIF Statutes and House Bill 384 enacted by the 131st General Assembly and effective April 5, 2017, this Council hereby determines that, as a result of actions of the City previously taken and a result of actions of the City to be taken pursuant to this Ordinance, satisfactory provision has been made for the public infrastructure needs of the Property. This Council further hereby determines that, from time to time, the City may make expenditures to pay or reimburse the costs of improvements in support of urban redevelopment within the meaning of R.C. Section 5709.41 located anywhere within the City, including but not limited to the improvements described in Exhibit B, and that any such expenditures shall constitute costs of Remote Improvements for purposes of this Ordinance. This Council further hereby determines that, notwithstanding the requirements of R.C. 5709.40(B), any costs of improvements in the City paid or reimbursed by the City that do not directly benefit the Property may be nevertheless paid or reimbursed by the City as costs of Remote Improvements for purposes of this Ordinance.

Section 4. Service Payments. Pursuant to R.C. Section 5709.42, this Council hereby directs and requires the Owners of the Property to make annual service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final dates for payment of real property taxes. Each annual service payment in lieu of taxes, including any penalties and interest at the then current rate established under R.C. Sections 323.121(B)(1) and 5703.47 (collectively, the "Service Payments") shall 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 exempt from taxation pursuant to Section 1 of this Ordinance. The Service Payments shall be allocated and distributed in accordance with Section 6 of this Ordinance. This Council further hereby authorizes and directs appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments from the Owners, including the preparation and filing of any necessary exemption applications.

Section 5. Tax Increment Equivalent Fund. Pursuant to and in accordance with the provisions of R.C. Section 5709.43, this Council hereby establishes the Downtown Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this Ordinance. Those Service Payments received by the City with respect to the Improvement of the Property and so deposited pursuant to R.C. Section 5709.42 shall be used solely for the purposes authorized in this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with R.C. Section 5709.43.

Section 6. Distribution of Funds. Pursuant to the TIF Statutes and Section 6 of House Bill 384, enacted by the 131st General Assembly and effective April 5, 2017, the County Treasurer is requested to distribute the Service Payments as follows:

(a) First, to each of the Warren City School District and the Trumbull Career and Technical Center in an amount equal to the amount of real property taxes each of the Warren City School District and the Trumbull Career and Technical Center would have received had this Ordinance not been adopted; and

(b) Second, to the City for deposit into the TIF Fund for payment of costs of Public Infrastructure Improvements and Remote Improvements identified in Sections 2 and 3 of this Ordinance, including debt service on any securities issued to finance those costs.

- Section 7.** Further Authorizations. This Council hereby authorizes and directs the Mayor, City Auditor, Clerk of Council or other appropriate officers of the City to make such arrangements as are necessary and proper for collection and use of the Service Payments. This Council further authorizes the Mayor, City Auditor, Clerk of Council 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 8.** Filings with Ohio Development Services Agency. Pursuant to R.C. Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency ("ODSA") within 15 days after its adoption. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the Director of the Warren Redevelopment and Planning Corporation shall prepare and submit to the Director of ODSA the status report required under R.C. Section 5709.40(I).
- Section 9.** Tax Incentive Review Council. This Council hereby determines that the City's existing Tax Incentive Review Council, created by Ordinance No. 12644/16, shall review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with R.C. Section 5709.85.
- Section 10.** 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 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 R.C. Section 121.22.
- Section 11.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety, and for the further reasons set forth and defined in the Ohio Revised Code Section 731.30 of the City of Warren. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council 28th day of June, 2017

SIGNED John R. B. J.
PRESIDENT OF COUNCIL

ATTEST: Bruce A. Smith
CLERK OF COUNCIL

FILED WITH THE MAYOR: 6-28-17

DATE APPROVED: 6-28-17

James Graham
MAYOR, CITY OF WARREN, OHIO

EXHIBIT "A" TO DRAFT NO. 3685

THE PROPERTY

The individual parcels of the Property (as defined in the foregoing Ordinance) consist of the following parcels of real property, as identified by the Trumbull County Auditor parcel identification numbers as of the date of the foregoing Ordinance:

Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID
39-200970	38-001504	39-035696	39-010340	39-171200	39-476050
39-200972	39-549640	39-364850	39-532900	39-161326	38-524850
39-507850	39-248275	38-838900	39-550740	39-161325	39-569032
39-445900	38-668201	38-838800	39-284420	39-550650	39-295030
39-166250	39-171060	38-431951	39-297450	38-489400	39-042935
39-052970	39-434200	38-839010	39-448900	39-319670	39-042936
39-183228	38-152900	38-162572	38-162572	39-065430	39-020402
39-568881	39-531450	38-230201	39-501520	39-436553	39-020403
39-104655	38-635012	38-162571	39-538955	39-536750	39-402702
39-144870	39-171620	39-388676	39-135270	38-152800	39-020404
39-399563	39-171610	39-123105	39-538952	38-635010	39-496725
39-299100	38-522821	39-376320	39-115050	39-436554	38-787435
39-312900	38-003320	39-376300	39-006507	39-165549	38-524830
39-219180	39-550347	39-078270	39-461770	39-535100	39-496726
39-165560	39-550349	39-481150	39-006593	39-224251	39-554516
39-521070	39-297125	39-208450	39-429730	38-310471	39-554518
39-287545	38-224900	39-002100	39-414026	38-117441	39-554517
39-378020	38-003518	39-233435	39-530965	38-117438	39-554519
39-206340	38-433400	38-673202	39-550741	38-512700	39-554522
39-287530	39-171250	38-839000	39-304601	38-614300	39-554521
39-538950	38-117432	39-341630	39-248250	39-533000	39-569014
39-354510	39-538486	39-085604	39-550750	39-155025	39-281351
39-006508	39-172450	39-085603	39-013598	39-083420	39-396825
39-485925	39-340180	39-25,190	39-364650	39-550214	39-517390
39-074580	38-128867	39-064015	39-027925	39-161500	39-247680

Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID
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39-365850	39-436556	39-040826	39-027050	39-550208	39-059670	
39-346050	39-520520	39-396833	39-254640	39-006029	39-459625	
39-178110	39-543200	39-531112	38-511452	39-534860	39-293075	
39-331995	39-530400	38-747210	39-550700	39-535200	39-550346	
39-225657	38-117430	39-512375	39-502781	39-535350	39-201955	
39-225457	38-117435	39-170640	39-153798	39-003316	39-065561	
39-006509	39-550348	39-357750	39-195245	39-568941	39-382800	
39-527900	39-006516	39-306450	39-235250	39-527835	39-066750	
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39-069970	38-383050	38-431900	39-550760	39-538380	39-172120	
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39-459295	39-482700	39-568750	38-413700	38-117550	39-322410	
39-406240	39-172110	39-000515	39-535872	39-350550	39-188550	
38-049600	39-535150	39-569261	38-733400	39-005508	39-537250	
39-083860	39-003235	39-043120	39-538930	38-864378	39-436557	
39-006015	38-034525	39-201020	39-107522	38-842352	39-003050	
39-412400	39-253614	39-396831	39-083850	38-864403	39-550212	
39-569203	38-473750	39-253612	39-215005	39-520521	39-569244	
39-006013	39-078275	38-522810	39-001500	39-171050	39-174500	
39-001511	39-535871	38-510775	39-001509	39-060600	39-327830	
38-683060	38-842364	38-029950	39-568923	39-380630	39-266300	
39-006014	38-842365	38-754574	39-562110	38-003142	39-569246	
39-535750	38-842357	38-864107	39-107521	38-333150	39-525778	
38-768200	38-842351	39-443300	38-412980	38-193650	39-550201	
38-143750	38-128866	39-537300	38-449700	38-864094	39-525779	

Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID	Parcel ID
38-849900	38-332700	39-550202	38-635011	39-513450	39-271002	
39-528650	38-333000	39-254150	39-550600	39-250050	39-271000	
38-269401	38-845260	39-045306	39-005000	39-303130	39-457000	
39-522051	38-003176	39-085560	38-822500	38-845265	39-305100	
39-472098	39-538485	39-482870	39-524100	38-003146	38-334200	
38-860235	39-481000	39-379430	39-472097	39-001512	38-385300	
38-522820	39-481100	39-046622	38-668203	39-253613	38-842358	
38-239700	39-558950	39-527250	38-326006	39-046955	39-306232	
38-433980	39-550210	39-532200	39-068741	39-035695	39-061370	
38-840960	39-264650	39-099597	39-201960	38-623951	39-000502	
38-850000	39-003519	39-177150	39-171100	39-341940	39-271003	
38-668200	39-073100	39-568751	39-083410	39-035697	39-171450	
38-522823	39-491614	39-003315	38-406705	39-532150	39-535700	
38-425585	38-842355	39-310550	38-635009	39-486020	39-070200	
39-323755						

The parcels listed above are generally depicted on the map below:

EXHIBIT "B" TO DRAFT NO. 3685

PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements that shall directly benefit the Property, include any and all "public infrastructure improvements," as that term is defined in R.C. Section 5709.40(A)(8), and any and all "costs of permanent improvements," as that term is defined in R.C. Section 133.15(B), including, but not limited to, payment of debt service payments on obligations issued to finance the costs of the Public Infrastructure Improvements. Without limiting the generality of the preceding sentence, the Public Infrastructure Improvements specifically may include the following:

1. Constructing, reconstructing, extending, opening, improving, widening, grading, draining, curbing and changing of the lines and traffic patterns of roads, highways, streets, railways, bridges (including roadway, railway, and pedestrian), existing roadways adjacent to and providing ingress and egress to property, sidewalks, bikeways, medians and viaducts, constructing and improving surface parking lots or parking structures and related improvements, providing lighting systems, together with all appurtenances therefore, and the continued maintenance of those improvements.
2. Constructing and reconstructing public fountains, public parks or public greenspaces, including grading, trees, park plantings, park accessories and related improvements, together with all appurtenances thereto.
3. Constructing, reconstructing and installing of public utility improvements, water distribution lines (including necessary site grading therefore), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, and all appurtenances thereto, and the continued maintenance of those improvements.
4. Constructing and installing streetscape improvements including trees, tree grates, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, together with all appurtenances thereto; design and traffic studies preliminary to the foregoing.
5. Constructing and installing communications service facilities, including but not limited to cable and broadband service infrastructure improvements.
6. Stormwater and flood remediation projects including such projects on private property when determined to be necessary for public health, safety, and welfare.
7. Designing, engineering, constructing, and improving the new infrastructure for electric, gas, telephone, and cable service (including fiber optics), including aid to construction fees for gas, aid to construction fees for electric, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes, with related site improvements and appurtenances thereto.
8. Acquisition and development of property, including acquisition in aid of industry, commerce, distribution, or research, demolition of blighted, dilapidated, or functionally obsolete structures for redevelopment opportunities, including demolition on private property when determined to be necessary for economic development purposes.
9. Enhancement of public waterways through improvements that allow for greater public access.
10. Environmental studies and remediation.
11. Acquiring real estate or interests in real estate, including related right-of ways, necessary to accomplish the improvements enumerated in clauses 1 through 9.
12. Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the service payments in lieu of taxes, including but not limited to engineering, architectural, legal, and other consulting and professional services.
13. All inspection fees and other governmental fees related to the foregoing.
14. Any other costs of public infrastructure improvements as permitted by law.