



AN ORDINANCE BY THE VILLAGE OF WILLIAMSBURG

ORDINANCE 1193-21

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE VILLAGE OF WILLIAMSBURG, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE SUCH REAL PROPERTY; REQUIRING ANNUAL STATUTORY SERVICE PAYMENTS IN LIEU OF TAXES; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE BALANCE OF SUCH STATUTORY SERVICE PAYMENTS; AUTHORIZING THE EXECUTION OF A SCHOOL COMPENSATION AGREEMENT WITH THE WILLIAMSBURG LOCAL SCHOOL DISTRICT AND GREAT OAKS INSTITUTE OF TECHNOLOGY AND CAREER DEVELOPMENT; AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (collectively, the "TIF Statute") provide that a municipality may provide for the use of tax increment financing to construct public infrastructure improvements that will directly benefit new industrial and commercial development or redevelopment of parcels of real property located in the Village, and declare improvements, which are defined in the TIF Statute as the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted pursuant to the TIF Statute were it not for the exemption granted by that ordinance to such parcels of real property, to be a public purpose; and

WHEREAS, Council wishes to use the authority granted pursuant to the TIF Statute in order to encourage development on certain property in the Village (such property, as more fully described in Exhibit A attached hereto and made a part hereof, being referred to hereinafter as the "Exempted Property" with each parcel comprising the Exempted Property as currently or subsequently configured being referred to individually as a "Parcel"); and

WHEREAS, by providing public infrastructure improvements such as certain roadway, sewer, water, utility, streetscape, traffic studies and other related and appurtenant public infrastructure improvements, as further described in Exhibit B attached hereto and made a part hereof (the "Public Improvements"), the Village may facilitate the commercial development and redevelopment of the Exempted Property; and

WHEREAS, the Village Council (the "Council") for the Village has determined that it is necessary and appropriate and in the best interest of the Village to exempt from taxation the improvements located within the Exempted Property as permitted and provided in Section

5709.40(B) of the Ohio Revised Code, and to simultaneously direct and require the owners of the Exempted Property to make service payments in lieu of taxes as provided by this Ordinance; and

WHEREAS, pursuant to and in the manner prescribed by Sections 5709.40 and 5709.83 of the Ohio Revised Code, the Village delivered notice to the Williamsburg Local School District (the "**School District**"), and the Grant Career Center (the "**JVSD**"), stating the Village's intent to adopt this ordinance; and

WHEREAS, the School District forwarded a certified copy of a resolution of its board of education to the Village, which resolution approved the actions of the Village provided by this ordinance on the condition that the Village and the School District enter into a School Compensation Agreement, as defined herein; and

WHEREAS, the assessed value of the Exempted Property prior to commencement of construction of the Public Improvements shall be determined by the Auditor of Clermont County, Ohio on or before December 31, 2021 (the "**Historical Value**"), which Historical Value shall not be altered during the Exemption Period, as defined herein; and

WHEREAS, the Council has determined that it is appropriate to establish the TIF Exemption as described herein by adopting this Ordinance; now, therefore,

BE IT ORDAINED by the Village Council of the Village of Williamsburg, State of Ohio:

SECTION 1. Declaration of Public Purpose. In accordance with Section 5709.40(B), Ohio Revised Code, it is hereby declared that improvements to the Exempted Property are a public purpose benefiting the Village and its residents and that the duration of such public purpose shall be thirty (30) years.

SECTION 2. TIF Exemption. One hundred percent (100%) of the increase in assessed value of each Parcel over the Historical Value of such Parcel shall be exempt from real property taxation (the "**TIF Exemption**", and such increase in value being the "**Increased Value**") for a period commencing with the tax year in which Increased Value of that Parcel attributable to new construction or renovation first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance (the "**Commencement Date**") and ending on the thirtieth (30th) anniversary of such Commencement Date (the "**Exemption Period**"). For the avoidance of doubt, it is understood that the Council is making use of the provisions of Ohio Revised Code Section 5709.40(G) allowing for the TIF Exemption to commence in different tax years on a parcel-by-parcel basis, potentially resulting in a different Exemption Period for each Parcel.

SECTION 3. Payment of Statutory Service Payments. As provided in Ohio Revised Code Section 5709.42, the owners from time to time of all or any portion of the Exempted Property (each an "**Owner**") are hereby required to, and shall make, service payments in lieu of

taxes with respect to the Increased Value allocable thereto to the Treasurer of Clermont County, Ohio (the "**County Treasurer**") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes 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 Parcel if it were not exempt from taxation pursuant to Section 2 hereof. Any late payments shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the service payments in lieu of taxes as the "**Service Payments**"). The Service Payments, and any other payments in respect of the Parcel which are received by the County Treasurer in connection with the reduction required by Ohio Revised Section 319.302, 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**"), shall be paid to the Village by the County Treasurer without deduction for compensation owed under the School Compensation Agreement (defined in Section 5 hereof). The foregoing requirements, along with such other provisions as are deemed appropriate by this Council and as are agreed to by the Owners of all or any portion of the Exempted Property, may be included in Service Agreements, which are hereby authorized to be entered into between the Village and the respective owners (such agreements being collectively "**Service Agreements**").

SECTION 4. Construction of the Public Improvements. The Village may determine, by separate ordinance of this Council if required, to construct or cause to be constructed the Public Improvements. The Village hereby determines that the Public Improvements will directly benefit the Exempted Property. The cost of such Public Improvements may be paid in whole or in part from the proceeds of bonds and/or notes to be issued by the Village and secured, in whole or in part, from revenues received by the Village from (i) the Service Payments, (ii) Property Tax Rollback Payments, and (iii) pursuant to Service Agreements, if any are required (collectively, (i) through (iii) are the "**TIF Revenues**"). Subject to the payment of compensation to the School District and the JVSD under the School Compensation Agreement (defined in Section 5 hereof), this Council hereby pledges the TIF Revenues to secure any obligations of the Village issued to finance the Public Improvements.

SECTION 5. Distribution of Payments to School District, JVSD and Village. Pursuant to Ohio Revised Code Sections 5709.40, 5709.42, 5709.43 and 5709.82, the Village is hereby authorized to enter into a School Compensation Agreement (the "**School Compensation Agreement**") with the School District and JVSD, which shall provide that during the Exemption Period, the Village shall pay to the School District and JVSD a portion of the Service Payments collected annually with respect to the Increased Value of the Exempted Property, as set forth in such School Compensation Agreement. This Council hereby approves the School Compensation Agreement among the Village, the School District, and the JVSD, including the exhibits thereto, the form of which is attached hereto as Exhibit C and made a part hereof, and authorizes the Mayor to execute the School Compensation Agreement on behalf of the Village, with such changes, not inconsistent with this ordinance or materially adverse to the Village, as shall be

approved by the Mayor. The execution of the School Compensation Agreement by the Village officials on behalf of this Council shall be conclusive evidence of such approval.

SECTION 6. Creation of TIF Fund. This Council hereby establishes within the Village Treasury a municipal public improvement tax increment equivalent fund, to be known as the "2020 TIF Tax Increment Fund" (the "TIF Fund"), into which shall be deposited all TIF Revenues received by the Village. Money in the TIF Fund shall be used to make payment of the compensation required under the School Compensation Agreement and to finance the Public Improvements and may, to the extent provided in further ordinances of this Council, be pledged to the repayment of bonds and/or notes issued to finance such improvements.

SECTION 7. Further Authorizations. This Council further hereby authorizes and directs the Mayor, the Village Clerk, the Village Law Director, or other appropriate officers of the Village to prepare and sign all agreements and instruments and to take any other actions as maybe appropriate to implement this Ordinance.

SECTION 8. Notification of Passage. The Clerk of this Council is hereby directed to deliver, not later than fifteen (15) days after the effective date of this Ordinance, a copy thereof to the Director of the Ohio Development Services Agency and to further deliver to such Director, not later than March 31 of each year during which the tax exemption remains in effect, a status report outlining the progress of the project herein described.

SECTION 9. Open Meetings. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 10. Emergency. That this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said emergency is the immediate necessity of effecting the tax increment financing exemption to provide a source of revenue for the construction the Public Improvements.

SECTION 11. Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Village and its inhabitants for the reason that this Ordinance must be immediately effective so that the work can begin on the construction of the Public Improvements, wherefore, this Ordinance shall take effect and be in force from and immediately after its adoption.

PASSED 12-9-21 _____
Date President

ATTEST: [Signature]
Village Clerk

APPROVED: [Signature], Mayor Date: 12-9-21

APPROVED AS TO FORM:

[Signature]
Village Law Director

CERTIFICATE

The duly appointed Village Clerk attests that this ordinance was passed at a regular meeting of Williamsburg Village Council on the 9 day of December, 2021, in compliance with the rules of Williamsburg Village Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the Village of Williamsburg, Ohio for her signature on the 9 day of DECEMBER, 2021.

[Signature]
Village Clerk

EXHIBIT A

DESCRIPTION OF THE EXEMPTED PROPERTY

The Exempted Property by Clermont County Auditor Parcel IDs:

531332.137A
531332.137B
531332.008
531332.057
531332.097
531322.028C
531322.030D
531322.028B
531322.030A
531322.028A
531322.026B
531322.026A
531322.029B
531322.029A
531322.031A
531322.032
531322.129A
531322.128
531322.009
531322.135A
531322.136A
531322.031B
531322.027

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements include, but are not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, 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; and the enhancement of public waterways through improvements that allow for greater public access.

RECEIVED
LINDA L. FRALEY
AUDITOR CLERK
21 DEC 23 AM 1:08