

ORDINANCE NO. 25-19  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER John Palcher ON THE 2<sup>nd</sup>  
DAY OF December, 2019.

AN ORDINANCE AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY OF CENTERVILLE TO EXECUTE THE SECOND AMENDMENT TO TAX INCENTIVE AGREEMENT WITH THE BELLBROOK-SUGARCREEK LOCAL SCHOOL DISTRICT AND THE GREENE COUNTY VOCATIONAL SCHOOL DISTRICT.

WHEREAS, the Parties heretofore entered into a Tax Incentive Agreement dated June 3, 2014 (the "*Tax Incentive Agreement*") pursuant to which the School District authorized the City to approve certain TIF Exemptions from time to time and the City agreed to remit certain TIF Compensation payments to the School District from time to time; and

WHEREAS, in order to support a Settlement Agreement entered into between the City and Sugarcreek Township (Greene County), the City and the School District entered into a First Amendment to the Tax Incentive Agreement dated November 10, 2016 (the "*First Amendment*"); and

WHEREAS, the Tax Incentive Agreement currently restricts the number of residential apartment units on the TIF Parcels to 300, and provides that the School District will receive an increased share of Service Payments derived from Residential Parcels; and

WHEREAS, the Developer of the subject Property contemplates the sale and development of a TIF Parcel as a 55 and over community consisting of rental housing that complies with the Housing for Older Persons Act ("HOPA"), as stipulated in the Federal Register, Implementation of the Housing for Older Persons Act of 1995, dated April 2,

1999, as amended from time to time (a "HOPA Project") and, in connection with that development, Developer desires clarification of the Tax Incentive Agreement to confirm that a HOPA Project does not constitute a Residential Parcel for purposes of the Tax Incentive Agreement; and

WHEREAS, to provide for such modification to the Tax Incentive Agreement, the City has requested that the Board of Education of the School District approve an amendment to the Tax Incentive Agreement by entering into this Second Amendment; and

WHEREAS, the Board of Education of the School District has passed a resolution on November 14, 2019 approving the execution of the Second Amendment to Tax Incentive Agreement and waiving any remaining notice requirements related under Ohio law, including, without limitation, Sections 5709.40, 5709.83 and 5715.27 of the Ohio Revised Code; and

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

SECTION 1. References to Tax Incentive Agreement and Cooperative Agreement. Upon the effective date of this Ordinance and the execution and effectiveness of the Second Amendment to Tax Incentive Agreement, all references in the TIF Ordinance, as amended, to the Tax Incentive Agreement and the Cooperative Agreement shall mean the Tax Incentive Agreement as amended by the First Amendment to Tax Incentive Agreement and this Second Amendment to Tax Incentive Agreement, and the Cooperative Agreement, respectively.

SECTION 2. Execution of Second Amendment to Tax Incentive Agreement. The Second Amendment to Tax Incentive Agreement by and between the City and the

Bellbrook-Sugarcreek Local School District, in the form attached hereto as Exhibit "A", is hereby approved and authorized. The City Manager, for and in the name of this City, is hereby authorized to execute that Second Amendment to Tax Incentive Agreement, provided further that the approval of changes thereto by that official, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the execution thereof. This Council further authorizes the City Manager, for and in the name of the City, to execute any amendments to the Second Amendment to Tax Incentive Agreement, which amendments are not inconsistent with the TIF Ordinance and not substantially adverse to this City.

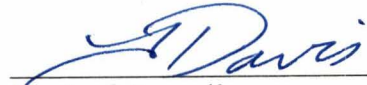
SECTION 3. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect on the earliest date permitted by law.

PASSED THIS 2<sup>nd</sup> day of December, 2019.

  
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Mayor of the City of  
Centerville, Ohio

ATTEST:

  
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Clerk of Council  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 25-19, passed by the Council of the City of Centerville, Ohio on the 2<sup>nd</sup> day of December, 2019.

  
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Clerk of the Council

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions  
Department of Law  
Scott A. Liberman  
Municipal Attorney