

**NOTICE OF ADOPTION**

I, Teri Davis, do hereby certify:

1. That I am the Clerk of Council of the Council of the City of Centerville, Ohio;  
and
2. That on the 20th day of December, 2021,  
Ordinance No. 21-21 was adopted by the Centerville City Council; and
3. That a certified copy of Ordinance No. 21-21 was published in the  
posting locations prescribed by the City of Centerville Council.

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

**ORDINANCE NO. 21-21  
CITY OF CENTERVILLE, OHIO**

20<sup>th</sup> SPONSORED BY COUNCILMEMBER Bill Serr ON THE  
DAY OF December, 2021.

**AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF CENTERVILLE, OHIO, TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40(B) OF THE OHIO REVISED CODE (YANKEE SOCIAL ROW TIF), EXEMPTING SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION, AUTHORIZING THE EXECUTION OF A TAX INCENTIVE AGREEMENT AND A DEVELOPMENT AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY, AND ESTABLISHING A TAX INCREMENT EQUIVALENT FUND.**

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

WHEREAS, this City Council (“Council”) of the City of Centerville, Ohio (the “City”), wishes to use the authority granted pursuant to the TIF Authorizing Statutes in connection with exempting from real property taxation certain improvements in the City and constructing certain public infrastructure improvements in the City which will benefit the improvements in order to meet the public health, safety, welfare, and convenience needs of the area, including future development and traffic capacity; and

WHEREAS, this Council has determined to grant a property tax exemption for the parcels comprising the area where such improvements are to be located (the “Yankee Social Row TIF Site”); and

WHEREAS, the boundary of the Yankee Social Row TIF Site shall be coextensive with the boundary of, and shall include, the parcels of real property specifically identified and depicted in Exhibit A attached hereto; and

WHEREAS, pursuant to Section 5709.83 of the Ohio Revised Code, notice has been given to the Centerville City School District (the “School District”) by a letter dated October 27, 2021, of the consideration of this Ordinance granting a tax increment real property tax exemption, which exemption was approved by the School District by resolution on November 22, 2021, and this Council will compensate the School District pursuant to a Tax Incentive Agreement to be entered into by and between the City and the School District; and

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

**SECTION 1.** Pursuant to Section 5709.40(B) of the Ohio Revised Code, this Council hereby creates the “Yankee Social Row TIF Site”, the boundaries of which shall be coextensive with the boundaries of the parcels specifically identified and depicted in Exhibit A attached hereto, which parcels are located in the incorporated area of the City.

**SECTION 2.** This Council hereby finds and declares that certain public improvements (the “Public Improvements”) in the City, to wit: the planning, design and construction of public street improvements including pavements, walkways, traffic control devices and alterations to existing streets, including improvements to Social Row Road and Yankee Street and construction of new streets; the planning, design and construction of public parking facilities, 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 creation or enhancement of buffer areas and open areas necessary for ensuring the compatibility of adjacent land uses; the acquisition of, construction of and improvements of recreational facilities; the creation and/or enhancement of public service facilities, including police and fire stations; the installation of landscaping, retaining walls, and public amenities; demolition of existing buildings; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; 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 “Yankee Social Row TIF Site”), which parcels are located in the incorporated area of the City, the development of such parcels will create jobs, increase property values, and require the provision of adequate public services in the City.

**SECTION 3.** Pursuant to Section 5709.40(B) of the Ohio Revised Code, further improvements to each parcel in the Yankee Social Row TIF Site occurring, as a result of new construction to such parcel (the “Improvements”), 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 on the first day of the tax year in which such an improvement resulting from construction first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) thirty (30) years from the date the exemption commences for each parcel or (2) the date on which the Public Improvements as described in Section 1 above that will benefit the Yankee Social Row TIF Site are paid in full from the Tax Increment Equivalent Fund, as defined in Section 6 hereof. It is hereby determined that (i) a portion of the Improvements shall be exempt from real property taxation, (ii) such portion shall be one hundred percent (100%) of the assessed value of the Improvements, and (iii) the Public Improvements directly benefit, or once made will benefit, the Yankee Social Row TIF Site.

**SECTION 4.** 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 Montgomery 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 or any City Official to enter into such agreements as may be necessary and appropriate to assure the payment of such Service Payments, including a Service Agreement by and between the City and the owners of property within the Yankee Social Row TIF Site.

**SECTION 5.** A portion of the Service Payments shall be paid to the School District in accordance with the terms of a Tax Incentive Agreement, hereby authorized to be entered into by the City Manager between the City and the School District (the “Compensation Payments”).

**SECTION 6.** Pursuant to Section 5709.43 of the Ohio Revised Code, there is hereby established the Yankee Social Row TIF Site Public Improvement Tax Increment Equivalent Fund (the “Tax Increment Equivalent Fund”), into which the Service Payments shall be deposited. Moneys deposited in the Tax Increment Equivalent Fund shall be used only in accordance with Section 5709.43 of the Ohio Revised Code, which authorizes the City to finance the Public Improvements and make the Compensation Payments.

**SECTION 7.** The proper City Officials are hereby authorized to do all things necessary and proper to carry out Sections 1 through 6 of this Ordinance, including but not limited to filing any required applications for tax exemption with the Montgomery County Auditor and/or State Tax Commissioner.

**SECTION 8.** Pursuant to Section 5709.40(I) of the Ohio Revised Code, the Director of Finance is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth herein remains in effect, the Director of Finance or other authorized officer of this City shall prepare and submit to the Director of the Ohio Development Services Agency the status report required under Section 5709.40(I) of the Ohio Revised Code.


**SECTION 9.** The Director of Finance is hereby directed to forward a copy of this Ordinance to the County Auditor of Montgomery County.

**SECTION 10.** This Ordinance shall take effect at the earliest possible date allowable by law.

PASSED THIS 20<sup>th</sup>, day of December, 2020-2021

  
\_\_\_\_\_  
Mayor of the City of Centerville, Ohio

ATTEST:

  
\_\_\_\_\_  
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 Ordinance No. 21-21, passed by the Council of the City of Centerville, Ohio on the 20<sup>th</sup> day of December, 2021.

  
Clerk of Council

Approved as to form, consistency  
With existing ordinances, the charter  
And constitutional provisions.

Department of Law  
Scott Liberman  
Municipal Attorney

**RECEIPT**

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

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

Dated: \_\_\_\_\_, 2021

**CERTIFICATE**

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 21 - 21.

  
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: December 21, 2021

**RECEIPT**

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

\_\_\_\_\_  
Superintendent, Centerville City School District

Dated: \_\_\_\_\_, 2021



## EXHIBIT A

### Real Property Description

Situate in Section 4, Town 2, Range 5, City of Centerville, County of Montgomery, State of Ohio and being all of Lot Number 1, as recorded in Yankee and Social Row Plat.

Plat Book 219, Page 6 of the Plat Records of Montgomery County, Ohio.

Montgomery County Auditor's Parcel No. O68 01116 0087

