

**VILLAGE OF CAMDEN
PREBLE COUNTY, OHIO**

ORDINANCE NO. 1036-2022

DECLARING THE IMPROVEMENT TO CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF CAMDEN, PREBLE COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENT TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS.

WHEREAS, the development of commercial properties in the Village of Camden, Ohio (the "Village") will benefit the Village and its residents by creating economic opportunities, enlarging the property tax base, stimulating collateral development in the Village, and enlarging income tax revenues for the Village; and,

WHEREAS, one or more parcels within the Village have been identified for development for commercial use (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference, the "TIF Site"), which TIF Site the Village intends to be subject to a tax increment financing program in accordance with Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 (together with related provisions of the Ohio Revised Code, the "TIF Act"); and,

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Section 5709.40(A)(8) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the Village may facilitate the development of commercial properties for the benefit of the TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and,

WHEREAS, the TIF Act provides for the use of municipal tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements (which costs may include, without limitation, the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the Village, or any other public or private party in cooperation with the Village), and (ii) payment of debt service (the "Debt Service") on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements; and,

WHEREAS, the TIF Act provides that this Council may, among other things, (a) declare the improvement to real property located in the Village to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit those parcels, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and,

WHEREAS, the Village desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the "TIF Exemption") for the improvement to the TIF Site (as defined in Section 1 hereof, the "Improvement"); and,

WHEREAS, the Village has determined that it is necessary and appropriate and in the best interests of the Village to require the owners of the parcels included in the TIF Site and their successors and assigns (collectively, with their successors and assigns, as owners of the TIF Site, the "Owners") to make service payments in lieu of taxes (as defined in Section 1 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.42; and,

WHEREAS, the Village has determined that a portion of the Service Payments shall be paid directly to the Preble Shawnee Local School District (the "Local School District") and the Miami Valley Career Technology Center (the "Joint Vocational School District" and, collectively with the Local School District, the "School Districts") in an amount equal to the real property taxes that each School District would have been paid if the Improvement to each Parcel located within that School District had not been exempt from taxation pursuant to this ordinance, all in accordance with Ohio Revised Code Section 5709.40(D)(1); and,

WHEREAS, notice of this proposed ordinance has been delivered to the Board of Education of each of the School Districts in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED, by the Village Council of the Village of Camden, Ohio that:

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel comprising the TIF Site (the "Exempted Property") subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.40(A)(4)) is declared to be a public purpose, and shall be exempt from real property taxation (the "TIF Exemption") for a period commencing for each parcel with the tax year in which an Improvement to such parcel first appears on the tax list and duplicate of real and public utility property and ending for such parcel on the earlier of (i) the thirtieth (30th) anniversary of the date the TIF Exemption commenced with respect to such parcel, or (ii) the date on which the costs of all Public Infrastructure Improvements, including, without limitation, all Debt Service, have been paid in full, being the date on which the Village can no longer require Service Payments from Owners of real property located in the TIF Site. After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due 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 such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late

payments of service payments in lieu of taxes 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 (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time-to-time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments").

SECTION 3. Creation of TIF Fund; Application of Service Payments. This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Municipal Public Improvement Tax Increment Equivalent Fund. The Fiscal Officer of the Village (the "Fiscal Officer") may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this ordinance from any tax increment financing programs that may be established by the Village in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this ordinance, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in this ordinance. The TIF Fund is to be maintained in the custody of the Village and will receive all distributions of Service Payments required to be made to the Village. Those Service Payments received by the Village with respect to the Exempted Property, are to be used solely for the purposes authorized in the TIF Act, including, but not limited to, paying any costs of the Public Infrastructure Improvements, in a manner that is consistent with this ordinance. For purposes of this ordinance, "costs" of the Public Infrastructure Improvements payable from the TIF Fund are also to include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The TIF Fund must remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time said TIF Fund is to be dissolved and any surplus funds remaining therein are to be transferred to the Village's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

SECTION 4. Distribution of Funds. The County Auditor is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (i) to the School Districts, each an amount equal to the amount the respective School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the parcels located within the School Districts if the Improvement had not been exempt from taxation pursuant to this ordinance; and,
- (ii) to the Village, all remaining amounts for further deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements in accordance with Section 3 of this ordinance.

All distributions required under this Section 4 are requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 5. Public Infrastructure Improvements. This Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as “public infrastructure improvements” (as such term is defined in Ohio Revised Code Section 5709.40(A)(8)), made, to be made, or in the process of being made, and that, once made, will directly benefit the TIF Site.

SECTION 6. Application for Real Property Tax Exemption and Remission. This Council further hereby authorizes and directs the Village Administrator or other appropriate officers of the Village, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the TIF Site, which are to be deposited into the TIF Fund.

SECTION 7. Further Authorizations. This Council further hereby authorizes and directs the Village Administrator or other appropriate officers of the Village, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the Village, which shall be established conclusively by the Village Administrator’s signature thereon, and to take such further actions and execute any certifications, financing statements, assignments, agreements, instruments, and other documents that are necessary or appropriate to implement this ordinance.

SECTION 8. Notices. This Council hereby finds and determines that notice of this proposed ordinance has been delivered to all affected school districts, including the Preble Shawnee Local School District and the Miami Valley Career Technology Center, in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.40(I), the Fiscal Officer is hereby directed to deliver a copy of this ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Fiscal Officer or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Ohio Revised Code Section 5709.40(I).

SECTION 9. Tax Incentive Review Council. The Village has created the Camden Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, 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 Ohio Revised Code 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 adoption 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 Ohio Revised Code Section 121.22.

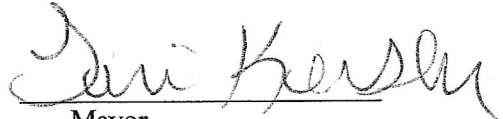
SECTION 11. Effective Date. This ordinance shall be effective from and after the earliest period provided by law.

1st Read: August 4th, 2022

2nd Read: August 18th, 2022

3rd Read: September 1st, 2022

Adopted: September 1st, 2022


Mayor

ATTEST:

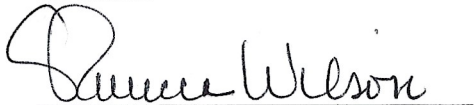

Clerk of Council

EXHIBIT A

Legal Description of TIF Site

The TIF Site consists of the following parcel number(s) identified the records of the County Auditor of Preble County, Ohio as of August 4th, 2022:

Parcel Nos.

J30000200100006000

The TIF Site is also described by reference to the attached map.

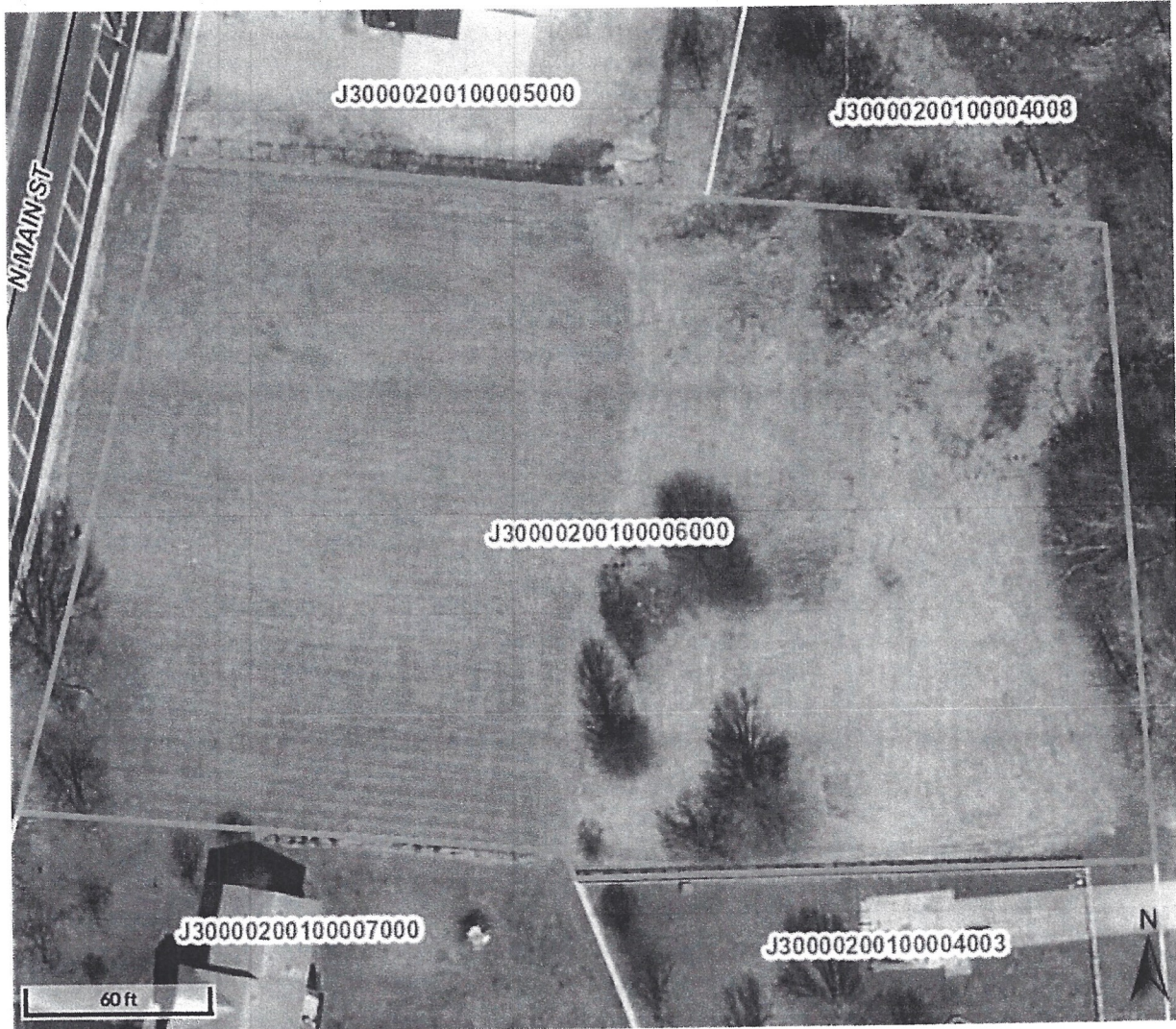


EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements consist generally of acquiring and constructing the infrastructure described below.

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, the continued maintenance of public roads and highways, and all other appurtenances thereto;
- Construction, reconstruction or installation of improvements (including any underground utilities), storm and sanitary sewers (including necessary site grading therefore), police equipment and police station buildings and improvements, fire equipment and fire buildings and improvements, water and fire protection systems, continued maintenance of water and sewer lines, and all other appurtenances thereto;
- Construction, reconstruction or installation of gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking, public parking structures and related improvements, off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenues, including but not limited to engineering, architectural, legal, TIF administration, and other consulting and professional services; and,
- All inspection fees and other governmental fees related to the foregoing.
- Sidewalk/Bike trail directly impacting the property

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Sections 5709.40(A)(8)) and are intended to directly benefit the real property described in Exhibit A.