

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2023-29**

**DECLARING THE IMPROVEMENT TO CERTAIN PARCELS WITHIN THE CITY
TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION PURSUANT TO ORC
5709.40(B); PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE
PAYMENTS AND SPECIFYING THE PURPOSES FOR WHICH THOSE SERVICE
PAYMENTS MAY BE EXPENDED.**

WHEREAS, Ohio Revised Code (“ORC”) 5709.40, 5709.42, and 5709.43 (collectively, the “TIF Act”) authorize this Council, by ordinance, to declare the improvement to parcels of real property located within the City to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, River Creek Lofts, LLC (the “Developer”) has proposed to construct an approximately 460-unit multifamily development on the Parcels (as defined in Section 1 hereof), which development requires construction of certain public infrastructure improvements;

WHEREAS, the City desires to implement a tax increment financing program on the Parcels (as defined in Section 1 hereof) pursuant to the TIF Act to enable the City to make or cause to be made certain public infrastructure improvements that will directly benefit the Parcels; and

WHEREAS, the Boards of Education of the Kings Local School District (the “Kings Local School District”) and the Warren County Career Center (the “Warren County Career Center”) have each received notice of this ordinance for purposes of ORC 5709.40 and 5709.83;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, State of Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. Parcels. The real property subject to this ordinance is identified and depicted on Exhibit A (as currently or subsequently configured, the “Parcels”, with each individual parcel a “Parcel”).

SECTION 2. Public Infrastructure Improvements. This Council hereby designates the public infrastructure improvements, as further described in Exhibit B hereto, together with any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by or on behalf of the City that directly benefit, or that once made will directly benefit, the Parcels (the “Public Infrastructure Improvements”). The costs of the Public Infrastructure Improvements include, but are not limited to, those costs listed in ORC Section 133.15(B).

SECTION 3. Exemption. This Council hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC 5709.40(A)) is declared to be a public purpose and will be exempt from taxation for a period commencing for each separate Parcel on the date at least \$15 million (\$15,000,000) (market value) of Improvement due to the construction of a new building or buildings on that Parcel would first appear on the tax list and duplicate were it not for the exemption granted by this ordinance and ending on the earlier of (a) 10 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 Act. It is the express intention of Council that each separate tax Parcel will have a separate 10-year exemption period. The exemption granted by this Section 3 is senior to any exemptions granted pursuant to ORC 3735.65 et. seq. (CRA abatements) or ORC 5709.61 et. seq. (Enterprise Zone abatements).

SECTION 4. Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the Warren County Treasurer on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3 of this ordinance, including any penalties and interest (collectively, the “Service Payments”). The Service Payments, and any other payments with respect to the Improvement to each Parcel that are received in connection with the reduction required by ORC 319.302, 321.24, 323.152 and 323.156, 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”), will be deposited and distributed in accordance with Section 6 of this ordinance.

SECTION 5. TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC 5709.43, the River Creek Lofts Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), into which the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels will be deposited. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Act and this ordinance (as it may be amended). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City's General Fund, all in accordance with ORC 5709.43.

SECTION 6. Distributions; Payment of Costs. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the City for deposit into the TIF Fund, for application in accordance with the TIF Act, including to finance the Public Infrastructure Improvements pursuant to any tax increment financing agreement made between the City and the Developer.

All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions. The City shall make any distributions to the extent not made by the County Treasurer.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the City Administrator, the Director of Finance, the City Law Director, the Clerk of Council, or other appropriate officers of the City to deliver a copy of this ordinance to the Director of Development of the State of Ohio and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the City Administrator, the Director of Finance, the City Law Director, the 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. 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 any of 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 ORC 121.22.

Adopted this 26th day of September, 2023.

Attest:

Petrina D. Williams
Petrina D. Williams, Director of Finance/Clerk

James D. Smith
James D. Smith, Mayor

Rules Suspended: (if applicable) Effective Date – / /2023

Vote - ____ Yeas
____ Nays

First Reading – 9/26/2023
Second Reading – 9/26/2023

Effective Date – 10/26/2023

Vote - 6 Yeas
____ Nays

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Prepared by and approved as to form:

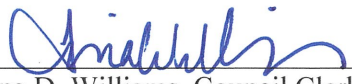
ANDREW P. MEIER
LAW DIRECTOR
CITY OF SOUTH LEBANON, OHIO

By: 

Date: 9/26/2023

CERTIFICATE

I, Petrina D. Williams, Clerk of Council, City of South Lebanon, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. - 29 as passed by Council of said City on the 24th day of September, 2023 and as recorded in the Record of Proceedings of said Council.


Petrina D. Williams, Council Clerk

Filed with Mayor: _____

Published: _____

EXHIBIT A

IDENTIFICATION AND MAP OF THE PARCELS

The following map specifically identifies and depicts the Parcels and constitutes part of this Exhibit A.

EXHIBIT B

Public Infrastructure Improvements

“Public Infrastructure Improvements” include, but is 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; the enhancement of public waterways through improvements that allow for greater public access; and 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.