

ORDINANCE NO. 87-24

**AN ORDINANCE AUTHORIZING THE CREATION OF
THE TAX INCREMENTAL FINANCING FUND II, NO. 306,
AND DECLARING AN EMERGENCY**

WHEREAS, the development of commercial and industrial properties in the City of Avon has benefited the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City: and

WHEREAS, to further encourage this type of development, Council, over the years, has established several TIF areas throughout the City beginning in 2006; and

WHEREAS, to stimulate interest in private development in areas north of Interstate 90, the City and the Avon Local School District entered into an agreement to redistribute the Payments in Lieu of Taxes (PILOTs) applicable to TIF areas located north of I-90 by passing Ord. No. 62-24 on May 29, 2024; and

WHEREAS, pursuant to that ordinance and the agreement set forth therein, fifty percent (50%) of the PILOTs generated by these TIF areas are to be deposited into a Special Revenue Fund set up by the City and only used for the specific purposes outlined in that agreement; and

WHEREAS, the Finance Director now requests that City Council formally establish a special revenue fund to be known as Tax Incremental Financing Fund II, No. 306; and

WHEREAS, at the request of the Finance Director, Council hereby agrees to establish said fund to comply with the agreement with Avon Schools adopted in Ord. No. 62-24; and

WHEREAS, Council deems it in the best interest of the health, safety and welfare of the City of Avon to create said special revenue fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, THAT:

Section 1 –Pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code and pursuant to Ord. No. 62-24, passed on May 29th, 2024, the Finance Director is hereby authorized to establish within the City Treasury the Tax Incremental Financing Fund II, No. 306 (the “Fund”) into which Fifty Percent (50%) of the service payments in lieu of taxes (PILOT) received from the property owners and distributed to the City by the Lorain County Treasurer shall be deposited. Said funds shall only be used as follows:

- 1) To fund public infrastructure improvements required by development projects qualifying for Special Reserve Fund deposits pursuant to this attached Agreement in the M-1/M-2 zone north of Interstate 90;
- 2) Fund any public infrastructure improvements within City limits that the Board would otherwise be responsible for as part of new Board development;

- 3) Fund the real estate acquisition or public improvement costs of any joint City-Board projects; and
- 4) Pay debt service and expenses related to (4)(a)-(c) of the agreement.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the creation of the Tax Incremental Financing Fund II, No. 306 to separately collect funds coming to the City through property TIFed north of Interstate 90 and to spend said funds (PILOTs) pursuant to that agreement; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: September 23, 2024 DATE SIGNED: September 23, 2024

By:

Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR September 24, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

POSTED: September 25, 2024
Electronically and at City Hall as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 87-24, passed by the Council of said City on September 23, 2024.

IN WITNESS WHEREOF, I have on this 24th day of September 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio